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Addendum to the 2020 General Survey

► Promoting employment and decent work in a changing landscape

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Addendum to the General Survey: Promoting employment and decent work in a changing landscape

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Executive summary

At its 90th Session in November 2019, the Committee adopted its comprehensive General Survey on *Promoting employment and decent work in a changing environment*, in which it examined eight instruments related to the strategic objective of employment: the Employment Policy Convention, 1964 (No. 122); the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159); the Home Work Convention, 1996 (No. 177); the Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168); the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169); the Home Work Recommendation, 1996 (No. 184); the Employment Relationship Recommendation, 2006 (No. 198); and the Transition from the Informal Economy to the Formal Economy Recommendation, 2015 (No. 204).

This General Survey, published in early 2020, addressed the objectives of promoting full, productive and freely chosen employment and decent work in the context of profound transformations taking place in the world of work. The Committee took into account factors such as globalization, climate change, digitalization and technological innovations that have led to new and emerging forms of work, as well as to changes in the structure and organization of work. The General Survey brings the eight instruments together, linking them by a common thread: the goal of promoting full, productive and freely chosen employment and decent work through the development and implementation of a comprehensive, gender-responsive and inclusive national employment policy through a process of inclusive social dialogue, with the active participation of the tripartite constituents and consultation with those individuals and groups concerned.

The Committee could not have imagined that 2020 would add to the challenges examined due to the devastating effects of the COVID-19 pandemic, which has profoundly affected most, if not all, countries, regions, governments, enterprises and workers. Millions of people across the world have been exposed to the virus and to date almost 1.6 million people have died. In addressing the health crisis, many governments have adopted containment measures, including lockdowns and related restrictions, in an effort to prevent the spread of the virus. These measures, although necessary, have had devastating impacts on the labour market. While demand has increased in certain sectors, such as in the health and food retail sectors, other sectors, such as tourism, aviation and transport have all but collapsed. Millions of enterprises were closed and millions of jobs and livelihoods have been lost. In addition, the crisis has affected enterprises in all sectors and of all sizes. Micro, small and medium-size enterprises, lacking the necessary human and financial resources to weather a crisis of this magnitude, have been severely affected and many have simply closed their doors. According to the ILO Monitor of September 2020¹, the number of working hours lost has been even greater than estimated, reaching the equivalent of 495 million full-time jobs.

This Addendum is intended to complement the 2020 General Survey, which remains fully valid. It takes into account the impacts of the pandemic on the application of the instruments examined in the Survey and the many and varied measures taken to address the crisis in different countries. While following the same structure as the 2020 General Survey, the Addendum focuses only on those issues that have been affected by the pandemic, or by the measures taken to control or mitigate its effects.

¹ https://www.ilo.org/global/topics/coronavirus/impacts-and-responses/WCMS_755910/lang--en/index.htm

Designing a new generation of employment policies and programmes

To promote job creation and decent work in the context of the crisis, national employment policies should be inclusive, gender-responsive and contain both immediate and longer-term response and recovery measures. Convention No. 122 and Recommendation No. 169 provide a sound and comprehensive framework to promote full, productive and freely chosen employment and to recover from the current crisis. The development and implementation of a new generation of gender-responsive, inclusive and evidence-informed employment policies and programmes can help to ensure a sustainable job-rich recovery from the crisis and protect livelihoods. These policies must create an enabling environment for sustainable enterprises, in particular for micro, small and medium-sized enterprises. Economies and societies need urgent relief measures together with intermediate and longer-term measures to emerge from the crisis stronger and more resilient than before.

Many governments have taken a range of measures to mitigate the impact of the crisis on enterprises, workers, jobs and livelihoods. These include:

(a) Stimulating the economy and employment

In order to address the devastating impact of COVID-19 on the demand and supply sides of the labour market, governments have adopted a broad range of measures to stimulate the economy, support enterprises, jobs and incomes, including through active fiscal policies, accommodative monetary policies and provision of financial support for enterprises and workers in specific sectors.

(b) Supporting enterprises, jobs and incomes

Throughout the pandemic, governments have given priority to providing income compensation to workers and reducing the risk of more job losses through employment retention programmes, subsidized recruitment for eligible enterprises, including small and medium size enterprises, as well as training and placement services to enhance workers' employability and facilitate their redeployment from one job to another.

At the same time, the pandemic has alerted the international community to the urgent need to accelerate progress in building, strengthening and progressively expanding social protection systems, including social protection floors. Countries have adopted a wide variety of employment retention measures, including work-sharing, shorter work-weeks and wage subsidies. Some enterprises have agreed to take on workers from other firms in hard-hit sectors. Other measures seek to help enterprises survive the crisis through grants, subsidies and loans, the payment in whole or in part of rent and utility costs, debt payment moratoriums or the deferral of social security and pension contributions.

(c) Protecting workers in the workplace

As enterprises and workers resume their activities, the main challenges include keeping workers safe and preventing the spread of the virus. Occupational safety and health measures have been adapted in most countries through the establishment of workplace policies setting out basic measures to prevent the transmission of COVID-19, including the use of masks, protective clothing, social distancing and engineering controls in many workplaces.

The employment relationship and the COVID-19 pandemic

As the employment relationship is the primary source of work-related rights and benefits, it is more urgent than ever to develop clear criteria for determining the existence of such a relationship in light of the transformations in the world of work due to the pandemic. COVID-19 is accentuating uncertainties that already existed in many countries in relation to the determination of whether or not a worker is in fact in an employment relationship. In this respect, the Addendum notes that almost half of the world's workers (47 per cent) are self-employed. Measures intended to increase flexibility and adaptability to the crisis are affecting the working conditions of millions, and in many cases modifying the employment relationship. In many countries, governments have declared a state of emergency or necessity, and the pandemic has been seen as a situation where *force majeure* could be invoked. In these unprecedented circumstances, employers have been forced to take steps to ensure the continued viability of their enterprises and retain their workers.

In some countries, the measures adopted include the temporary suspension of the effects of labour contracts. In such cases, workers, in principle, do not receive their wages; although, sometimes a specific COVID fund has been established to cover such wages. Other measures consist of the suspension of acquired contractual rights.

The situation of workers on temporary contracts is clearly more precarious than that of workers on permanent contracts and in the context of the pandemic they have been the first to be laid off. In some countries, measures have been taken to expand the rights of these workers and the maximum duration of these temporary contracts has been extended during states of emergency as a way of mitigating the impact of the crisis on enterprises and reactivating the labour market.

This reactivation has translated at the same time into an increase in part-time work, on-call work and zero-hour contracts as well as on platform work. Many platform workers have performed functions considered essential during the pandemic, such as home delivery services; however, they have been exposed to increased risk of infection without access to personal protection equipment, social distancing measures, or even the right to health care or social protection in the event of illness. In contrast, those workers in sectors that were disrupted found themselves without any income or social protection. The pandemic has highlighted the precarious situation of these workers and raised awareness of the need to take action to improve their working conditions.

Facilitating the transition from the informal to the formal economy in the context of COVID-19

Informality must be addressed as a matter of urgency to mitigate the impacts of the pandemic on informal enterprises and workers and prevent erosion of formal employment. Those in the informal economy have been affected to a greater extent than in past crises, resulting in an increase in the rate of relative poverty. According to ILO estimates, 1.6 billion informal economy workers, representing 76 per cent of informal employment worldwide, have so far been significantly affected by the lockdown measures. Many are self-employed; moreover, many informal workers cannot work remotely from home. For these workers, choosing to stay home and not work often means losing their jobs and livelihoods. In turn, defying preventive measures exposes them and their families to the virus. Moreover, they generally have little or no access to health-care services or social protection. Economic units in the informal economy, which account for eight out of every ten enterprises globally, are facing a similar situation.

Women and young persons have been particularly affected, as they are over-represented in the informal economy. Furthermore, the effects of the crisis have varied across the different sectors of the informal economy. In addition, workers and economic units in the informal economy are in many cases difficult to reach, which means that they often do not receive the assistance that they need. Digital technology has proven to be an effective tool to identify or

facilitate the self-identification of workers and enterprises in the informal economy to enable them to have access to benefits. Nevertheless, information management systems are still inefficient in many countries, resulting in the exclusion of many people in need of assistance.

As the impact of the pandemic continues to intensify around the world, rapid diagnostics are carried out to assess the impact on the economy of existing policies. Lack of occupational safety and health measures, barriers to safe workplaces and markets, increased risks of child labour and debt bondage are some of the many problems faced by those working in the informal economy.

Short-, medium- and long-term policies seeking to generate decent employment must also take into account the informal economy. These policies should include strategies for sustainable development, poverty eradication and inclusive growth, as well as the promotion of a conducive business and investment environment and the promotion of entrepreneurship, micro, small and medium-sized enterprises, and other forms of business models and economic units such as cooperatives and other social and solidarity economic units. The Addendum also highlights measures taken by governments and the social partners to prevent the informalization of enterprises and jobs, to ensure an adequate level of income or income support and to extend social protection.

Home work and the COVID-19 pandemic

The pandemic has accentuated the need for a comprehensive integrated policy framework to protect the labour rights of traditional homeworkers as well as of the increasing numbers of teleworkers. Work can be carried out in many different settings, including in the worker's home. Moreover, home work varies significantly, ranging from traditional crafts to telework. Measures to impose or encourage working from home have been among the main steps taken by governments to address the COVID-19 pandemic.

On the one hand, some economic sectors where homework is prevalent have faced a substantial drop in demand for their products, with a consequent decline in income for homeworkers. The garment sector has been particularly affected by this situation. On the other hand, vast sectors of the economy have turned to teleworking, when it was possible given the characteristics of the job and the technical possibilities of the companies. In fact, some jobs can be broken down into separate tasks that can be performed anywhere, thereby expanding the range of jobs suitable for telework.

However, working from home also entails risks including responsibility for operational and material costs, difficulties in reconciling work and family responsibilities, excessive working hours without the right to disconnect, lack of privacy and even violence and harassment. This situation has given rise to a broader debate on the implications of homework, and in particular telework, for both workers and employers. Several countries have already taken measures, either legislative or through collective bargaining, to address these issues.

Ensuring a disability-inclusive response to COVID-19

Persons with disabilities must be included and involved in all stages of response and recovery to ensure the development and implementation of policies and programmes that meet their concerns and ensure equality of opportunity and treatment in the labour market. Persons with disabilities already tend to face discrimination and exclusion in employment. This situation has been exacerbated by the pandemic, which has starkly accentuated existing stigma and increased existing vulnerabilities and risks. Indeed, COVID-19 has created new barriers for the access of persons with disabilities to services and support. They may be significantly affected by disruptions to the services on which they normally rely. Furthermore, social isolation and loneliness during lockdown may have severe psychological impacts leading to mental illness.

The enormous job losses due to the pandemic have placed persons with disabilities at an even greater disadvantage in relation to persons without disabilities and they are more likely to experience difficulties in returning to work during the recovery phase. The pandemic has also exacerbated the exclusion of persons with disabilities from education, vocational education and training programmes.

They may need specific protection or accommodation to enable them to work safely. Reasonable accommodations at workplaces can vary from no- or low-cost solutions such as flexible working hours to assistive devices such as screen reading software. Telework may be also a solution for workers with disabilities. In view of their high incidence in informal employment, many persons with disabilities have little or no access to social protection. The coverage gaps are significant in some developing countries.

The Addendum underlines the diverse measures taken by governments for persons with disabilities, particularly those that are self-employed or in the informal economy ranging from cash transfers to flexible working arrangements and paid leave for family members of persons with disabilities. Persons with disabilities that continue to work should be provided with accessible and updated information on the health risks of COVID-19 and on how to protect themselves and prevent further transmission. Moreover, those organizations of and for persons with disabilities should be consulted when designing, implementing, monitoring and reviewing recovery measures.

Building a better future for all from COVID-19

National employment policies and programmes must take the needs and concerns of all members of the population into account, through a process of inclusive dialogue. The design and implementation of the new generation of national employment policies must take into account that they not only cover all aspects of economic and employment growth but also that they are inclusive, consensus-based and ensure equality of opportunities and treatment for all. Global crises, such as the current one generated by the pandemic, tend to follow the fault lines of society, throwing existing inequalities into sharp relief. The virus knows no borders or social barriers, yet not all people have the same resources to protect themselves and to cope with the consequences of the pandemic.

Groups that were already vulnerable are those most affected during crises, further exacerbating their situation. In this sense, the devastating effects of the pandemic and of the measures taken to mitigate it have affected either health or employment, particularly of those groups identified in the instruments under examination.

Containment and social distancing measures have disproportionately affected many sectors where women are predominant, such as the garment manufacturing industry, health, communications, care, and domestic work. Also, containment measures and in particular the closure of schools and childcare facilities have increased the burden of unpaid care in the home. These tasks are still, in many cases, disproportionately performed by women. The increased work and family obligations due to confinement have created additional psychological pressure with consequent risks to the mental health of many workers, particularly women.

Young people often experience great difficulties in entering the labour market and this situation has been considerably aggravated during the last economic and financial crisis of 2008. The pandemic and containment measures are affecting young people in three ways in particular: interruption of education, training and apprenticeship reduces their employability; the employment crisis makes it even more difficult for them to find work; and the wave of job losses has led to reduced earnings and deteriorating working conditions. The consequences of the pandemic could result in the emergence of a «lockdown generation».

Migrant workers, older workers, domestic workers, indigenous and tribal peoples, people living with or affected by HIV and rural workers are also disproportionately affected. These groups are generally concentrated in low-paid jobs and those sectors most affected by the pandemic, sometimes in precarious employment conditions, including in the informal economy. In addition to having been historically subjected to stigmatization, discrimination and exclusion, they now also experience increasing levels of violence and harassment.

Ensuring participatory social dialogue that provides adequate response to the COVID-19 and contributes to recovery and resilience

National employment policies and programmes and all response and recovery measures should be developed and implemented on the basis of tripartite consultation and inclusive social dialogue. Social dialogue, whether bipartite or tripartite, is a key instrument in the development of longer-term policies and strategies, particularly for the post-crisis period, in order to promote productivity and economic growth, foster the transition to formality and ensure greater social cohesion, resilience and stability. It should be recognized, however, that social distancing measures are in most cases an additional obstacle in social dialogue processes. In this regard, the magnitude of the crisis and the need for urgent action has led many governments to take action in isolation, without consultation with the social partners or civil society.

At the same time, both employers' and workers' organizations have seen their daily activities and relations with members hampered by the pandemic and have had to adjust their own methods of operation to provide advisory services on a virtual basis. Collective bargaining has been substantially affected and in many countries, substantially fewer collective agreements have been concluded than in previous years.

However, to overcome the crisis, governments must not act alone. It is important that they coordinate and collaborate with labour market institutions and actors in the world of work to address the pandemic, mitigate the effects of containment measures and rebuild enterprises, economies and societies. This will build confidence among stakeholders by enabling policies to be tailored to the needs of all those in the labour market and reduce conflict. In turn, social dialogue must be inclusive and involve representatives of those groups or members of civil society who will be affected by the measures, including for example workers in the informal economy, persons with disabilities, and other groups in vulnerable situations.

Looking to the future

A new generation of inclusive, evidence-based and gender-responsive employment policies based on international labour standards can provide a solid foundation to build for the future. The principles of the instruments examined in the 2020 General Survey and the Committee's conclusions and recommendations on the effective application of these principles are more relevant than ever in the context of COVID-19 and its aftermath. Based on the guidance provided by the instruments under review, governments, with the participation of workers' and employers' organizations, as well as representatives of those members of civil society affected by the measures taken, have the tools to design and implement a new generation of gender-responsive inclusive policies and programmes. The employment instruments can thus contribute to ensuring resilient societies, economies and institutions capable of building a brighter, more inclusive future of work.

Introduction

1. This Addendum is intended as a supplement to the General Survey on Promoting Employment and Decent Work in a Changing Landscape (hereinafter, the “2020 General Survey”). Less than a month after the publication of the 2020 General Survey at the beginning of the year, the world was struck by the COVID-19 pandemic. Due to the rapid spread of the virus and the threat of as yet unknown numbers of fatalities, countries across all regions have taken urgent measures to prevent its spread and protect public health. These measures, including compulsory lockdowns, quarantines, self-isolation measures and social distancing, have in turn given rise to severe socio-economic shocks across the world.

2. While the examination by the Committee of Experts of the eight instruments covered by the 2020 General Survey² remains unchanged, in view of the enormous impact of the pandemic on the world of work, which also resulted in the cancellation of the 2020 International Labour Conference, the Governing Body invited the Member States to:

“[P]rovide between 15 September and 1 October 2020, should they so wish, supplementary information on the article 19 report submitted in 2019 on employment-related instruments (the Employment Policy Convention, 1964 (No. 122), the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), the Home Work Convention, 1996 (No. 177), the Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168), the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), the Home Work Recommendation, 1996 (No. 184), the Employment Relationship Recommendation, 2006 (No. 198) and the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), highlighting relevant developments related to the position of national law and practice in regard to the provisions in the instruments under review that might have occurred since their submission”.³

3. Accordingly, in its Addendum to the 2020 General Survey, the Committee examines the additional information provided by governments⁴ and the social partners on the situation in Member States, as well as publicly available information, noting the many immediate and longer-term measures that the tripartite constituents have taken in response to the pandemic and to foster a sustainable recovery. The Addendum thus addresses relevant legislative and policy developments in relation to the application of each of the eight instruments examined in the General Survey. In this context, the Committee notes that the current pandemic could provide Governments, social partners and society in general with an opportunity to reflect on the impact of situations such as pandemics, epidemics and other natural disasters on the evolution of law. These crises should not result in a race to the bottom or do away with international labour standards. At the same time, the Committee wishes to emphasize the critical importance of social dialogue in all aspects of the development, implementation, monitoring and review of policy responses to ensure that they are grounded in international labour standards and tailored to national circumstances.

4. In view of the rapid and continuing evolution of the crisis at the time of writing, the information presented in the Addendum makes no claim to being exhaustive. The Committee refers in this regard to its General Observation on Convention No. 122.⁵ Moreover, the statistical data provided will undoubtedly be superseded as the situation evolves.

² The eight instruments examined are: the Employment Policy Convention, 1964 (No. 122); the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159); the Home Work Convention, 1996 (No. 177); the Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168); the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169); the Home Work Recommendation, 1996 (No. 184); the Employment Relationship Recommendation, 2006 (No. 198); and the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).

³ ILO, *Minutes of the meetings of the Officers of the Governing Body and the tripartite Screening Group held in preparation of decisions made by correspondence by the Governing Body between March and October 2020* (Rev. 5), paragraph 353 (a).

⁴ See Appendix I.

⁵ [General Observation on the Employment Policy Convention, 1964 \(No. 122\)](#), adopted by the Committee of Experts at its 91st Session in Nov.-Dec. 2020.

5. The Committee considers that the principles of the instruments examined in the 2020 General Survey, and its conclusions and recommendations on the effective application of these principles, are more relevant than ever in the context of COVID-19 and its aftermath. It hopes that the Addendum will show that these instruments offer valuable guidance to assist countries in the development of a new generation of inclusive, evidence- and consensus-based policy responses that will help them “build back better” after the crisis, shaping economic, social and environmental policies that support the achievement of the ILO Decent Work Agenda and the 2030 Sustainable Development Goals. In this context, the inclusive human-centred approach called for by the ILO Centenary Declaration for the Future of Work⁶ is needed now more than ever to protect workers’ rights and rescue businesses and economies devastated by the severe health and socio-economic shockwaves caused by the pandemic. The future of work is now. By effectively applying the instruments under examination, the ILO’s tripartite constituents can ensure that no one is left behind on the path to a brighter future.

⁶ ILO, [ILO Centenary Declaration for the Future of Work, International Labour Conference](#), 108th Session, Geneva, 2019.

Part I

**The crucial importance of inclusive
national employment policies
in addressing the COVID-19 crisis:
Ensuring a job-rich recovery
and sustainable structural change**

► 1. Background

6. The COVID-19 crisis has had an enormous impact on both the quantity and quality of jobs, as well as on people's livelihoods, resulting in millions of job losses and enterprise closures. The measures taken in countries around the world to safeguard public health and prevent the spread of the pandemic have led to economic and social shocks of unprecedented scale, as at least some emergency containment measures have been taken in the majority of countries, with the imposition of lockdowns, quarantines, physical distancing and other isolation measures.

ILO Monitor: [COVID-19 and the world of work. Sixth edition, Updated estimates and analysis](#)⁷ (excerpt from 23 September 2020)

Workplace closures continue to disrupt labour markets around the world, leading to working-hour losses that are higher than previously estimated. The estimated total working-hour losses in the second quarter of 2020 (relative to the fourth quarter of 2019) are now 17.3 per cent, or 495 million full-time equivalent (FTE) jobs. Lower-middle-income countries are the hardest hit, having experienced an estimated decline in working hours of 23.3 per cent (240 million FTE jobs) in the second quarter of the year. Working-hour losses are expected to remain high in the third quarter of 2020, at 12.1 per cent (345 million FTE jobs). Moreover, revised projections for the fourth quarter suggest a bleaker outlook than previously estimated. In the baseline scenario, working-hour losses in the final quarter of 2020 are expected to amount to 8.6 per cent (245 million FTE jobs). The latest data confirm that working-hour losses are reflected in higher levels of unemployment and inactivity, with inactivity increasing to a greater extent than unemployment. Rising inactivity is a notable feature of the current job crisis, calling for strong policy attention. The decline in employment numbers has generally been greater for women than for men. These high working-hour losses have translated into substantial losses in labour income. Estimates of labour income losses (before taking into account income support measures) suggest a global decline of 10.7 per cent during the first three quarters of 2020 (compared with the corresponding period in 2019), which amounts to US \$3.5 trillion, or 5.5 per cent of global gross domestic product (GDP) for the first three quarters of 2019. Labour income losses are highest in middle-income countries, reaching 15.1 per cent in lower-middle-income countries and 11.4 per cent in upper-middle-income countries.

7. As the pandemic has unfolded, the urgent measures taken to prevent its spread have slowed or halted the operation of enterprises in many countries and across many economic sectors. Global supply chains have been disrupted, affecting local communities that rely heavily on demand for their products and labour. Many businesses, particularly those in badly affected sectors, such as tourism and the hotel and restaurant sectors,⁸ have been forced to close permanently due to the economic effects of the pandemic. While the crisis has had an impact on businesses of all sizes, those worst affected have been micro, small and medium-sized enterprises (MSMEs). As a result of these economic shocks, millions of workers have lost their incomes and livelihoods, and many of them lack the income support and social protection necessary to keep themselves and their families from sliding into

⁷ ILO Monitor: [COVID-19 and the world of work. Sixth edition, Updated estimates and analysis](#), 23 September 2020.

⁸ The Confederation of Workers of Argentina (CTA) indicates, for example, that construction and hotel and restaurant sectors represent almost 50 per cent of the employment lost during the first months of the pandemic. In addition, the General Confederation of Labour of the Argentine Republic (CGT RA) highlights that, due to the lockdown, the Government was required to replace the market through measures aimed at subsidizing the supply and demand of work, in order to compensate for the absence of income. Two per cent of the GDP was allocated to addressing this situation. One of the measures taken by the Government prohibited the dismissal of workers. The Government has also promoted recovery through public works measures that develop the public infrastructure.

poverty.⁹ The Committee further observes that the pandemic has affected workers in different ways, with those belonging to those individuals or groups in the most vulnerable situations as a rule being the most severely impacted. For example, women's jobs are relatively more at risk than men's, owing to the impact of the lockdown in service sectors where women are overrepresented, combined with the higher informality in those sectors and also to the care-related demands faced by women, which can undermine their capacity for job retention.¹⁰ Young people are also facing disruptions to education, training and work-based learning, and increased difficulties as jobseekers and new labour market entrants.¹¹ In general, hard-hit groups and those vulnerable to exclusion, including migrant workers and those in informal employment, have seen their decent work deficits increase.¹² The crisis has revealed not only weaknesses in the preparedness and resilience of national health systems, but also the deep inequalities running through societies and economies in all countries and regions.

The International Trade Union Confederation (ITUC) reports that the impact of the COVID-19 pandemic has been challenging for the economy of countries around the world. In the recent ITUC COVID-19 Survey, out of 100 countries surveyed, 87 reported that companies in their countries were laying off workers. There has been a substantive drop in working hours which has drastically affected growth. The ITUC expresses the view that labour market flexibilization and austerity measures will not foster employment or lead to faster recovery and that this focus must give way to the promotion of and investment in the creation of decent, stable and lasting employment.¹³

8. The urgent need for effective policy responses to the crisis at all levels offers an opportunity for national economies and societies, and the international community, to ensure greater inclusivity and resilience through the promotion of full, productive and freely chosen employment and decent work for all men and women in the world of work.

9. Governments have been compelled to combine the imperatives of the health crisis with urgent support for the economy, employers and workers. Many governments have adopted both short- and medium-term policies aimed at stabilizing their economies as rapidly as possible to mitigate the impact of the crisis and, to the extent possible, prevent future shocks.

10. Evidence-informed, consensus-based and inclusive policy responses developed and implemented during and after the crisis offer an opportunity to “build back better” and to develop or update existing employment policies that promote the creation of sustainable and quality jobs, as well as creating an avenue for sustainable livelihoods for own account workers.

Business New Zealand highlights that the extent to which the advent of COVID-19 will further undermine gains achieved in relation to poverty cannot yet be known. However, changes in the world of work will be likely to occur more quickly than policies can adapt to them; the current COVID-19 crisis is a case in point. Even statistics are likely to be out of date by the time they are available for policy-making purposes.

⁹ See UNCTAD, The least developed countries report 2020, December 2020.

¹⁰ ILO, *A Gender-Responsive Employment Recovery: Building Back Fairer*, Policy Brief, July 2020.

¹¹ ILO, *Preventing Exclusion from the Labour Market: Tackling the COVID-19 Youth Employment Crisis*, Policy Brief, May 2020.

¹² ILO, *A Policy Framework for Tackling the Economic and Social Impact of the COVID-19 Crisis*, Policy Brief, May 2020.

¹³ <https://www.ituc-csi.org/ituc-global-covid-19-survey-25may-findings>

► 2. Effective strategies and policy responses during and after the pandemic

11. As the pandemic has evolved and its impact on economies, businesses and workers has continued to increase, the provision of support to employers and the prevention of unemployment, underemployment and inactivity have been a primary concern. The impact of the pandemic is likely to be uneven, adding significantly to existing vulnerabilities and inequalities. Any job-rich recovery therefore needs to lay the foundations for inclusive and sustainable growth. During the recovery phase, greater attention will have to be paid to strengthening employment policies in support of enterprises and workers, and to building labour market institutions back better. In turn, employment policy measures need to be coordinated and sequenced with macroeconomic policies, sectoral strategies and business support; social protection, income support and skills development.¹⁴ Policy responses should also encompass comprehensive and adequately resourced social protection systems, including care policies and infrastructure that can respond rapidly and effectively to any future crises. It is important for the development or adaptation of national employment policies and programmes to be carried out in consultation with the social partners, and in collaboration with representatives of the persons affected by the measures to be taken.¹⁵

12. The Employment Policy Convention, 1964 (No. 122), and the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), offer a sound and comprehensive framework for ILO Member States to promote full, productive and freely chosen employment and to recover from the crisis, as they provide substantive guidance on the development of employment policies.

13. To be both effective and sustainable, the policy responses adopted need to include not only immediate urgent relief measures, but also intermediate and longer-term measures to help economies and societies emerge from the crisis stronger and more resilient than before. The Committee notes in this respect that the ILO has developed a comprehensive policy framework to address the economic and social impact of the COVID-19 crisis.¹⁶ This framework is based on four pillars. First, stimulating the economy and employment; second, supporting enterprises, jobs and incomes; third, protecting workers in the workplace and fourth, relying on social dialogue for solutions. In this regard, the Committee considers that it is crucial for employment policies to also take into account the need to provide for the protection of livelihoods, thereby helping to ensure the survival of self-employed workers in subsistence type employment whose already precarious position has worsened due to the pandemic.

14. Prior to the development or adaptation of national employment policies aimed at promoting a recovery which fosters full, productive and freely chosen employment, a rapid assessment should be carried out covering key sectors of the economy and specific categories of workers to determine the impact of the pandemic on particularly affected businesses and population groups, as well as on the labour market, working conditions and the re-organization of work.

15. The Committee examines below a selection of the policy measures implemented during the pandemic through the lens of the four pillars of the ILO policy framework. The Committee notes that these pillars complement one another and encompass cross-cutting measures aimed at reducing the enormous challenges that countries are facing at national level.

¹⁴ ILO, [National Employment Policies for an Inclusive, Job-Rich Recovery from the COVID-19 Crisis](#), Sept. 2020.

¹⁵ Employment Policy Convention, 1964 (No. 122), Article 3.

¹⁶ ILO, [A Policy Framework for Tackling the Economic and Social Impact of the COVID-19 Crisis](#), Policy Brief, May 2020.

► 3. A comprehensive and integrated approach

16. The Committee notes that the framework proposed by the ILO provides guidance to assist constituents to develop and implement a comprehensive and integrated approach tailored to national circumstances, with containment as its central pillar.¹⁷

17. The Committee notes that many governments have implemented both short- and medium-term policies aimed at stabilizing their economies and mitigating the social and economic consequences of the pandemic. However, in times of crisis, when challenges are systemic, and the response of each business has an impact on other businesses, governments, together with employers' and workers' organizations, are faced with the need to implement measures not only to sustain enterprises through the crisis, but also to help them recover from the impacts of the pandemic through long-term action.¹⁸

The International Organization of Employers (IOE) highlights that the regulatory efforts are profuse and continuous in all countries to alleviate the impact in terms of job losses and income reduction as far as possible. These efforts include: measures to allow and expand the practice of telework; to allow reduced working hours to avoid dismissals and thus to keep the link between workers and companies; to maintain the organizational capital of companies and to establish the bases for a return to work in the recovery stage for those companies that have been able to apply this scheme. The challenge is how to expedite the recovery by shortening, smoothing and easing up this road to recovery. Urgent measures are needed to limit the damage to businesses and livelihoods, rebuild the economy, and revive economic growth in a robust, resilient and sustainable manner.

Spain – In its report, the Government refers to the legal measures adopted with the objective of addressing the impact of the pandemic. The Government indicates that the principal objective of these measures was to harmonize two important aspects: to avoid the interruption of the productive activity that would substantially affect enterprises and to protect employment and workers.

(a) Stimulating the economy and employment

18. The COVID-19 pandemic has had a devastating impact on both the demand and supply sides of the labour market, with major implications for the goal of ensuring full employment and decent work.¹⁹ In this context, the Committee notes the wealth of measures adopted at the national level to stimulate the economy, support enterprises jobs and incomes, including through the use of fiscal and monetary tools and debt relief, as well as public investment in various sectors, and particularly in health systems.²⁰

¹⁷ United Nations (UN), "[Response to Coronavirus: Globally Coordinated Effort](#)", Press release, 23 March 2020.

¹⁸ ILO, "[Restructuring for recovery and resilience in response to the COVID-19 crisis](#)".

¹⁹ ILO, "[A policy framework](#)", 5.

²⁰ ILO, "[COVID-19: Stimulating the economy and employment](#)", Press release, 17 April 2020.

Greece – The SYN-ERGASIA (in Greek: co-partnership) programme was established through Law 4690/2020 as an extraordinary and temporary programme for employment (it was extended until the end of December 2020) funded by the SURE European Community Initiative. It is based on the partnership between the State and all forces of production, aiming at mitigating job-losses during the COVID-19 pandemic and boosting employment by supporting affected businesses through reducing labour costs and allowing flexibility in staff management while at the same time shields employment by excluding all employee layoffs within this framework and protecting wages. The programme targets businesses which are seriously affected by the pandemic. The Government covers the 60 per cent of the employee's salary that would otherwise have been lost due to the decreased working hours. The employer has the obligation to cover all the insurance contributions of the employee, calculated on the basis of the initial nominal salary. As long as the employee is on "reduced working hours status", the employer is prohibited from terminating the employment contract and reducing the nominal salary of the employee.

The *IOE* highlights that businesses will not restart operations spontaneously and economies will not be able to return to previous levels of prosperity without persistent and adequate support, as well as through creating an enabling business environment with a predictable and incentivizing environment for investment, innovation and employment creation.

(i) Active fiscal policies: Financial/tax relief for enterprises

19. Short-term tax and fiscal measures have been adopted in many countries to sustain the economy. Such measures have taken various forms, including the deferral of tax and tax relief. The scope and duration of relief measures vary between countries. Deferrals have been introduced for corporate and income tax, although the period for which corporate and income tax deferral is offered differs widely between countries.²¹ In some countries, the deferral or reduction of taxes has been targeted at specific badly affected sectors.

Bahrain – Value-added tax measures have been introduced in recognition of the economic disruption caused by the pandemic. The National Revenue Bureau has announced a delay for June VAT returns from 31 July to 5 August 2020 to help firms during the Eid public holidays.²²

²¹ For example, from three months in *Brazil* and *Croatia* to 18 months in *Estonia*.

²² Richard Asquith, "[Bahrain COVID-19 VAT measures](#)", Avalara VATlive, 7 July 2020.

Colombia – Following the adoption of Decree No. 789 of 2020, the hotel and tourism sectors have been exempted from value-added tax until 31 December 2020.²³

20. In some countries, tax relief has taken the form of lowering tax rates or completely waiving tax payments.

United Kingdom of Great Britain and Northern Ireland – Taxes for small businesses have been waived entirely for 2020.²⁴

(ii) Accommodative monetary policy

21. In some countries, the focus has been on more general policies with the potential to cushion the blow to the economy by supporting businesses. For instance, in many countries, central banks have stepped in to support lending by facilitating financial conditions, thereby enabling commercial banks to provide more loans to small and medium-sized enterprises (SMEs).²⁵

Malaysia – The Central Bank announced that it has requested a six-month moratorium on all bank loans affected by the pandemic, except for credit card debt.²⁶

(iii) Financial support for specific sectors

22. In addition to the tax exemptions referred to above, and in order to mitigate the economic shock of the COVID-19 pandemic on specific sectors, including health, tourism, travel and transport, targeted measures have been introduced in many countries, such as stimulus packages or new loan instruments to support badly affected industries that employ many workers and have considerable weight in the national economy.

Colombia – A new credit line has been opened specifically for the tourism and aviation sectors.²⁷

²³ *Colombia*, Ministry of Commerce, Industry and Tourism. “[Hasta el 31 diciembre de 2020, exclusión del IVA a los servicios turísticos y hoteleros](#)”, Press release, 4 June 2020. Similarly, in *Greece* and *Sweden*, among other countries, deferrals of VAT payments have been introduced in areas affected by the outbreak. In *Turkey*, accommodation tax has been cancelled until November 2020. The *Republic of Korea* has designated eight sectors hit hardest by COVID-19 to receive special support (travel, tourism, lodging, tourist transportation and performance, aircraft ground handling, duty free and travel retail, exhibition and international convention and airport bus sectors) as “Special Employment Support Sectors”.

²⁴ Government of the *United Kingdom*, “[Business rates relief](#)”.

²⁵ For example, in the *United States of America*, the Federal funds rate was lowered by 50 basis points in March to 0–0.25 per cent. The Federal Reserve has also introduced facilities to support the flow of credit, in some cases backed by the use of funds appropriated under the CARES Act.

²⁶ *Bank Negara Malaysia COVID-19 Portal*.

²⁷ See Government of *Colombia* website, “[Medidas implementadas COVID-19](#)”, April 2020.

Finland – In its report, the Government indicates that a total of approximately €912 million has been allocated to 18,770 projects. The majority of support measures have been granted to the commerce, construction, software and gaming, tourism and restaurant sectors, together with the creative industries.

Greece – The Government indicates in its report that employees whose employment contract are suspended in seasonal businesses in the tourism sector were entitled to a special compensation amounting to €534 per month for the period 1 June 2020 to 30 September 2020. Those employees that are not reemployed by former employers and remain unemployed are provided with an emergency compensation equal to the amount of the last monthly unemployment benefit received. The number of days of employment to receive the benefit has been reduced from 100 days to 50 days.²⁸

Netherlands – The Government has made €4,000 available for entrepreneurs in specific hard-hit sectors, such as restaurants and retail.²⁹

Sweden – In its report, the Government indicates that the cultural and sports sectors have received extra funding.

Tonga – Based on an initial assessment of the overall impact of the pandemic on the economy, an economic and social stimulus package for 2020 of 60 million Tonga pa'anga (5.3 per cent of GDP) was announced on 2 April 2020 to provide short-term assistance to all affected sectors. Over one third of the funds will be allocated to the health sector, with the rest supporting other sectors, including tourism, transport, agriculture, education and security.³⁰

23. The COVID-19 outbreak has placed enormous strains on the health sector in particular. In response, many governments have taken urgent measures to channel additional fiscal or financial resources into their health systems, for example to increase the availability of qualified health workers and ensure adequate occupational safety and health for them, including access to personal protective equipment (PPE).

Italy – Legislative Decree No. 18 of 17 March 2020 approved the “CuraItalia” programme to counter the negative effects of the coronavirus pandemic on the economy. The measures adopted amount to around 5 per cent of GDP, including €3.5 billion to strengthen the health system, for example through the immediate hiring of some 20,000 health-care professionals.³¹

²⁸ Financial aid has also been put in place for artists, designers, cultural and art professionals, as well as tourist guides.

²⁹ <https://business.gov.nl/subsidy/reimbursement-sectors-affected-corona-measures-togs/>.

³⁰ IMF, *Policy responses to COVID-19*.

³¹ *Italy*, *Legislative Decree No. 18 of 17 March 2020*. For additional measures taken by the Italian Government, see the [website of the President of the Council of Ministers](#).

Sweden – In its report, the Government indicates that it is planning to increase funding for elderly care, particularly for the training of up to 10,000 assistants.

(iv) Post-pandemic challenges for the development, implementation and review of national employment policies

24. The Committee considers that consideration should be given to maintaining stimulus measures in place until an economic and employment recovery is firmly entrenched and that, in the aftermath of the COVID-19 pandemic, a well thought-out employment policy will be required within the framework of wider comprehensive economic policies aimed at a medium- to longer-term recovery of jobs and incomes. In this context, post-pandemic national employment policies should be based on sequenced responses ranging from immediate relief measures to intermediate and long-term measures to promote job-rich recovery. These measures will need to be tailored to take into account the disproportionate impact of the pandemic on women, as well as to address the diverse needs of specific sectors, local communities and particular categories of workers, many of whom have been affected in very different ways. The Committee further recognises the role of active labour market policies and employment services in bridging short term and long-term recovery measures and the need for a stronger connection between policy measures to ensure business continuity, active labour market support and social protection systems to promote the reintegration of workers into the labour market and prevent more people from falling into poverty and unemployment.

Greece – In its report, the Government indicates that a consistent network of measures that complement each other have been adopted, such as the new program for 100,000 subsidized jobs established by Joint Ministerial Decision of the Ministries of Labour and Social Affairs and of Finance. It is an open-ended program aimed at supporting the labour market through the creation of new jobs and offering significant benefits to enterprises and workers. All non-wage costs borne by enterprises and workers will be subsidized for six months, thereby offering an incentive for the retention of existing jobs and the creation of new ones.

25. Post-pandemic national employment policies should focus on employment creation, supporting hard-hit groups, promoting the establishment of a conducive business environment and stimulating productivity growth. To build greater resilience, such policies should encourage structural transformation and strengthen institutions, while making optimal use of technological innovation and new forms of work. It is essential for continued support to be provided for enterprises (especially MSMEs), for labour market interventions to be expanded to get people back into work and for social protection measures and social spending to be maintained.

Ireland – The Government refers in its report to Future Jobs Ireland, launched in March 2019,³² a framework aimed at ensuring that the Irish economy is resilient enough to withstand shocks in the future and agile enough to take advantage of opportunities when they arise and facilitate the transitioning of enterprises and workers in response to technology and climate change developments. Future Jobs Ireland 2019 focused on five pillars, namely: (a) embracing innovation and technological change; (b) improving SME productivity; (c) enhancing skills and developing and attracting talent; (d) increasing participation in the labour force by developing and implementing a range of measures aimed at easing barriers to entry into the workforce, in particular for low participation cohorts; (e) and transitioning to a low carbon economy. The Government indicates that it is anticipated that the Future Jobs Ireland framework will be updated in light of the need to ensure the economy is green, digital and resilient, as well as due to the impact of the COVID-19 pandemic and new priorities.

Business New Zealand highlights the need to ensure that measures to attenuate any negative effect of innovations should not inhibit the innovations themselves.

(b) Supporting enterprises, jobs and incomes

26. While the pandemic has affected countries in different ways and containment responses have varied markedly, countries that are heavily reliant on specific sectors or industries have tended to experience a more significant economic shock due to shrinking demand, disruptions in global supply chains, reductions in capital flows and cross-border and domestic restrictions of movement, leading in many cases to labour shortages. Both at the onset of the crisis and throughout the pandemic, national policies have given priority to channelling income compensation for workers and reducing the risk of more job losses through:

- ▶ job preservation programmes;
- ▶ supported recruitment for industries and sectors still in operation; and
- ▶ employability-oriented services to maintain labour market attachment and also to ensure workers can be quickly reallocated from one job to another.³³

Brazil – In its report, the Government refers to the modernization of the National Employment System and to the key role played by the National Service for Industrial Learning (SENAI) in providing vocational training to prepare workers for the future of work.

³² <https://dbei.gov.ie/en/Publications/Publication-files/Future-Jobs-Ireland-2019.pdf>. Already noted in the previous General Survey.

³³ ILO, *Covid-19: Public Employment Services and Labour Market Policy Responses*, August 2020, 12.

Guatemala – In its report, the Government indicates that the Labour Directorate has carried out a survey among enterprises concerning the impact of COVID-19 on employment. The survey will enable the Government to adopt appropriate measures and action plans to mitigate the effects of the pandemic. The survey had the following objectives: evaluate the impact of the emergency state on employment and unemployment rates; identify the productive sectors and occupational groups that have been most affected by the crisis; identify the productive sectors and operational groups that have increased their activity/demand as a result of the crisis; anticipate the labour demand for the second half of the year 2020; analyse the capacity of companies to reactivate labour activity and identify those sectors that are available to work with the Employment Services Network.³⁴

Portugal – The Government has been adopting a series of extraordinary measures to protect workers and enterprises. The Economic and Social Stabilization Program (PEES) approved by Resolution of the Council of Ministers No. 41/2020, of 6 June, provides for a set of measures entitled ATIVAR.PT-Reinforced Support Program for Employment and Vocational Training. The Government highlights the adoption of two new ordinances under ATIVAR.PT, aimed at promoting inclusive and sustainable employment, particularly for groups in vulnerable situations. The first, Ordinance No. 207/2020, of 27 August, regulates the incentive measure ATIVAR.PT, which provides financial support to employers upon entering into a contract of employment with an unemployed person who is registered with the Employment and Vocational Training Institute. The second, Ordinance No. 206/2020, of 27 August, regulates the internship measure ATIVAR.PT, which provides support for the insertion of young people into the labour market or the occupational retraining of unemployed persons, particularly those in vulnerable situations, such as persons with disabilities.

(i) Understanding and addressing the impact of COVID-19 on specific sectors

27. The pandemic has affected the various sectors differently. Some sectors have been required to close down completely, leading to a total loss of income. Certain sectors, such as tourism, accommodation and food services, the retail trade and manufacturing, have been affected more severely, resulting in enormous losses of jobs, wages and incomes. Moreover, workers in a precarious situation, such as those in the informal economy, casual workers and domestic workers, as well as many small businesses, have experienced a serious worsening of their situation.³⁵

Brazil – The tourism industry has suffered major losses with the closure of some 80 per cent of accommodation services, and all parks and tourist attractions.³⁶

³⁴ Similarly, in its report, the Government of *Austria* indicates that, together with the Public Employment Services, the Federal Ministry of Labour, Family and Youth is devising a strategy, with the involvement of leading research institutes, which forms the basis for planning future labour market policy based on well-founded forecasts. This team will also advise the Department of Labour on an ongoing basis in assessing the consequences of the COVID-19 crisis.

³⁵ ILO, “COVID-19 and the world of work. Third edition, Updated estimates and analysis”, *ILO Monitor*, 29 April 2020, 6. “Taking together employers and own-account workers, some 436 million enterprises worldwide are operating and working in the hardest-hit sectors.”

³⁶ World Tourism Forum Institute, “The world of work in tourism to unemployment: Facts and figures of jobless in tourism”, 11 June 2020.

France – By the end of March 2020, lockdown measures had resulted in the closure of 75,000 restaurants, 3,000 clubs and 40,000 cafés, affecting 1 million employees who have been placed in “technical”, or temporary unemployment.³⁷

United Kingdom – In areas that are reliant on tourism, 80 per cent of workers in the hotel and food industries are reported to be on furlough schemes, with around one third of jobs at risk in the longer term.³⁸

28. Other sectors, such as the wholesale and retail trade, have been closed down in some countries, while in others they have faced a steep decline in demand, even though operations have continued. In such cases, workers have faced radical changes in their working conditions (such as social distancing, different working schedules, cleaning and disinfectant measures).

29. Some sectors, and particularly some enterprises, have managed to continue operating through teleworking, which has enabled enterprises and workers to continue providing goods and services, while adapting to new circumstances and challenges.³⁹ In other cases, direct contacts with clients have been replaced by e-commerce, which has increased significantly in volume.

30. Some other sectors, such as health and care, waste and cleaning, and food, have been considered essential in the context of the pandemic and, as such, have been required to continue providing services to ensure the health and safety of the population. Workers in these sectors have faced additional constraints, including increased mental and physical stress, a higher risk of infection and longer hours of work, often without additional compensation for these increased risks and demands.

31. With respect to health and care workers, in many instances specific measures have been taken to ensure their protection and to provide them with adequate compensation.⁴⁰

Austria – In its report, the Government indicates that the vast majority of care persons working in 24-hour care in Austria come from other EU Member States. To guarantee the care for dependent persons, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection has established a task force, which considers possible measures, for example concerning the entry of care persons into Austria and other support measures. The pandemic has shown that Austria is highly dependent on other countries in the area of 24-hour care. In order to avoid this dependence in the future, appropriate measures should be taken in the field of 24-hour care and training.

³⁷ World Tourism Forum Institute, “The world of work in tourism to unemployment”. The Government of *Israel* indicates that the unemployment rate rose from 3.9 per cent in February 2020 to almost 28 per cent by the end of April 2020. The Government of *Slovenia* indicates that two main intervention measures were introduced: temporary lay-offs (390,000 workers affected), implemented from mid-March and short time working schemes implemented in June 2020 (39,000 workers affected).

³⁸ World Tourism Forum Institute, “The world of work in tourism to unemployment”.

³⁹ See Part IV below.

⁴⁰ For examples, see the ILO Policy Brief on [COVID-19 and the health sector](#), April 2020.

32. Food retail enterprises have increased recruitment, in both warehouses and food stores. The crisis has resulted in higher demand, creating more jobs in the sector. However, the agri-food sector has faced additional constraints, particularly in industrialized countries, where it is often highly reliant on seasonal migrant workers. The closure of borders and lockdown measures, as well as lack of transport, have severely affected the sector. A number of major European agricultural producer countries, including *France, Germany, Italy, Poland and Spain*, which rely on regular seasonal migrant workers, have been particularly affected by the restrictions on movement and border closures. In March 2020, the European Commission issued practical guidance for Member States on facilitating cross-border travel for seasonal workers in essential sectors, such as agriculture.⁴¹

Germany – Some 286,000 seasonal migrant workers are employed every year in fruit, vegetable and wine production. The Government has explored various options to enable the mobilization of sufficient numbers of workers for the harvest. The measures taken include operating direct flights for farmworkers and issuing temporary work permits for asylum seekers.⁴²

33. In certain countries, food retail companies have introduced higher wages or bonus systems for hourly workers.

In *South Africa*, the Shoprite Group has allocated over US\$5.8 million to bonuses for shop floor and distribution centre workers in recognition of their work during the pandemic.⁴³

34. In some countries, unions are stepping up action to obtain better protection for grocery store workers.

The Argentine Federation of Commercial Employees (FAECYS), a federation of unions representing retail workers, has negotiated a protocol with the National Hypermarkets Association awarding a special bonus to workers in grocery stores.⁴⁴

United States of America – Unionized grocery store employees at several national supermarket chains have successfully negotiated temporary hazard pay, 14 days paid sick leave for COVID-19 cases, authorization for workers to wear masks and gloves at work, and measures to protect employees from customers (such as barriers at checkout, limits on the number of customers that may be in the store at the same time, and signage to encourage social distancing).⁴⁵

⁴¹ European Commission, "[Communication from the Commission, Guidelines on Seasonal Workers in the EU in the Context of the COVID-19 outbreak](#)", 16 July 2020.

⁴² Euractiv, "[German farms need nearly 300,000 seasonal workers](#)", 25 March 2020. Similarly, in *France*, the Government created an online job matching [web portal](#) to facilitate recruitment in crop and animal farming in the absence of the 200,000 foreign seasonal workers who usually come from *Morocco, Tunisia* and some eastern European countries. This portal has been extended to other sectors in need, including health, agri-food, energy, logistics, home help services and telecommunications.

⁴³ BIZ Community, "[Shoprite Group to pay frontline workers R102m 'appreciation bonus'](#)", 25 March 2020.

⁴⁴ UNI Global Union, "[Argentina battles Covid-19 with trade union support](#)", 2 April 2020.

⁴⁵ Press Release, United Food & Comm. Workers Int'l Union & Kroger Co., [UFCW Announce Increased Pay, Benefits for Grocery Workers on Front Lines of Coronavirus Outbreak](#) (31 March 2020) (discussing UFCW agreement covering 460,000 Kroger workers across the country). For a similar agreement with Safeway workers at San Francisco Bay Area stores, see Press Release, United Food & Comm. Workers Int'l Union 5, [Local 5 Reaches Agreement with Safeway to Add Protections for Workers during Pandemic Crisis](#).

35. In some countries, governments, enterprises and unions have engaged in social dialogue and agreed on protective measures to safeguard workers' security and incomes.⁴⁶

In *France*, a food processing company signed an agreement with the National Trade Union of Agro-food Industries (SNI2A), the French Confederation of Management – General Confederation of Professional and Managerial Employees (CFE-CGC) and the French Democratic Confederation of Labour (CFDT). The agreement covers workers experiencing a period of under-activity and encourages training or redeployment to other activities. Employees can volunteer to reinforce establishments or services that are in high demand. These measures are in lieu of short-time arrangements and help to prevent lay-offs.⁴⁷

In *South Africa*, a collective agreement concluded by the National Textile Bargaining Council has been extended by the Minister of Employment and Labour to guarantee six weeks' full pay for 80,000 garment workers.⁴⁸

36. The maritime sector has also been severely affected by measures adopted to contain the pandemic. While seafarers provide a key service to society, with more than 90 per cent of world trade moved by sea, they currently encounter difficulties worldwide as a result of the lack of application of some key provisions of the Maritime Labour Convention, 2006, as amended (MLC, 2006), and from the consequent lack of protection of their fundamental rights, as guaranteed by the Convention. As a result, they are increasingly facing physical and mental exhaustion and health and family problems. The Committee is deeply concerned by the significant challenges faced by the global shipping industry in effecting crew changes and repatriating seafarers as a result of the measures taken to contain the COVID-19 pandemic. This situation has substantive adverse impacts on seafarers' rights, including access to medical care ashore, repatriation, annual leave and shore leave. Some seafarers have been confined to vessels for months beyond the expiry of their employment agreements and often beyond the maximum period of service on board. According to the information received from the International Chamber of Shipping and the International Transport Workers' Federation, 400,000 seafarers are currently stranded on board ships and a similar number are waiting to board their vessels and earn their living. In this regard, the Committee welcomes the resolutions adopted by the United Nations General Assembly⁴⁹, the ILO Governing Body⁵⁰ in December 2020, as well as by the International Maritime Organization Maritime Safety Committee⁵¹ in September 2020, all of which reflect the seriousness of the situation and call on governments to recognize seafarers as key workers and adopt urgent measures to overcome the current crisis. The Committee refers in this regard to its General Observation of 2020 on this issue.⁵²

⁴⁶ See also Part VII.

⁴⁷ Planet Labor, "[France: Agreement on activity management and job preservation at Danone](#)", No. 11838, 15 April 2020.

⁴⁸ *South Africa*, "[Regulation Gazette](#)", No. 11082, Vol. 658, 7 April 2020.

⁴⁹ See United Nations General Assembly Resolution (A/RES/75/17), adopted on 1 December 2020, on International cooperation to address challenges faced by seafarers as a result of the COVID-19 pandemic to support global supply chains.

⁵⁰ ILO, [Resolution concerning maritime labour issues and the COVID-19 pandemic \(adopted on 8 December 2020\)](#), GB.340/Resolution (Rev.2).

⁵¹ See IMO Maritime Safety Committee [Resolution MSC.473\(ES.2\)](#) on Recommended action to facilitate ship crew change, access to medical care and seafarer travel during the COVID-19 pandemic.

⁵² See ILO, CEACR, [General observation on matters arising from the application of the Maritime Labour Convention, 2006, as amended \(MLC, 2006\) during the COVID-19 pandemic](#), 2020.

(ii) The need to extend social protection coverage

37. The COVID-19 pandemic has served as a wake-up call in alerting the global community to the urgency of accelerating progress in building social protection systems, including social protection floors.⁵³ It is to be noted that social protection systems are almost inexistent in some countries, while in others they only provide minimum protection. The current crisis has resulted in significant reductions in economic activity and working hours. The impact of the shock on workers' incomes has varied depending on the sector and the specific containment measures applied, as well as on the level of informality and social protection coverage. In this regard, the employment status of workers is of great importance in determining the level of social protection to which they are entitled. The Committee noted in its 2020 General Survey that the majority of social protection policies cannot be dissociated from employment, which does not prevent countries from broadening the "palette" of social protection mechanisms and integrating new ones that are unrelated to employment status.⁵⁴ In times of crisis, an adequate response should include measures which, among other objectives: guarantee access to quality health care; enhance income security through cash transfers; adapt entitlement conditions, obligations and delivery mechanisms; protect workers in the informal economy; ensure the protection of incomes and jobs through unemployment protection schemes and other mechanisms to help enterprises retain workers and provide income support for unemployed workers; and adapt public employment schemes to the context of the pandemic.⁵⁵ The Committee recalls that the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), calls on Member States to give effect to the principles of Convention No. 122 during situations of crisis, and also to seek to ensure effective access to essential health care and other basic social services, in particular for population groups and individuals who have been made vulnerable by the crisis.

Sweden – In its report, the Government indicates that during the first 100 days of unemployment insurance, the maximum daily allowance has been increased from 910 to 1,200 Swedish krona. This will apply from 13 April 2020 to 2 January 2021.

38. In many countries with strong social protection systems, existing mechanisms have been adapted to address the social impact of the crisis. A wide range of measures have been taken to reinforce existing systems, where appropriate, or to put in place new initiatives to assist the most vulnerable. These range from new emergency and temporary social protection measures, generally in the form of cash transfers, to the extension of existing benefits.

⁵³ ILO, [Social protection spotlight – "Social protection responses to the COVID-19 pandemic in developing countries: Strengthening resilience by building universal social protection"](#), ILO brief, May 2020.

⁵⁴ Para. 860.

⁵⁵ ILO, [Social protection spotlight – "Social protection responses"](#).

Austria – In its report, the Government indicates that the New Start Bonus (“Neustartbonus”) was introduced in June 2020. It is intended to support job take-ups and to contribute to filling vacancies. Previously unemployed persons can apply for the new start bonus if they accept a fully insured employment relationship of at least 20 hours per week, which is less well paid than their employment relationship before unemployment. The new start bonus is calculated from the difference between net remuneration for the work performed and about 80 per cent of the net remuneration before unemployment plus social security contributions. This difference is capped at €950 net. The new start bonus is limited to work started between 15 June 2020 and 30 June 2021 and can be claimed for a maximum of 28 weeks. The currently planned budget for the new start bonus is €30 million.

Costa Rica – The *bono proteger* (Decree No. 42305-MTSS-MDHIS) provides temporary economic relief for workers whose income has been affected by the pandemic. It is a monthly benefit of 125,000 Costa Rican colons (US\$220) for three months for employees and self-employed workers (both formal and informal) who have lost their jobs and livelihoods and 62,500 colons (US\$110) for those working reduced hours. Accessibility is ensured through a phone application that has been used by 90 per cent of eligible workers.⁵⁶

Uzbekistan – The period of eligibility of low-income families to social allowances has been extended by an additional six months, financed by the national crisis fund. The Government has also relaxed the eligibility criteria so that coverage can be extended to more families, including those who applied earlier but were not included due to insufficiency of funding at the time.⁵⁷

⁵⁶ Costa Rica, Ministry of Labour and Social Security. “[Bono proteger](#)”.

⁵⁷ Ugo Gentilini, Mohamed Bubaker, Alsafi Almenfi, Pamela Dale et al., “[Social Protection and Jobs Responses to COVID-19: A Real-Time Review of Country Measures](#)”, Living paper, version 6, 24 April 2020. Similar benefits have been provided, for example, in *Morocco* (sick and unemployed workers covered by social insurance through the national social security administration were entitled to a monthly benefit of 2,000 Moroccan dirhams (US\$204) between March and June 2020) and *Namibia* (the emergency income grant consists of a one-off benefit of 750 Namibia dollars (US\$41) to support workers who have lost their jobs and are not entitled to any other grant).

39. Some countries have introduced cash transfer schemes Some for persons living in situations of poverty to supplement and further strengthen national social protection systems, filling urgent gaps and alleviating the negative socio-economic impact of the pandemic on groups in vulnerable situations.

Somalia- The Government has launched the Baxnano programme which provides, for the first time, cash transfers for 1.3 million poor and vulnerable households. It is implemented by the Ministry of Labour and Social Affairs, in close collaboration with the World Food Programme and UNICEF.⁵⁸

40. In many countries, existing benefits have been extended or expanded, for instance, by redefining eligibility criteria or increasing benefit levels to improve income security. In the context of the crisis, measures have been taken in a number of countries to improve social protection delivery mechanisms, and to improve access in a few countries.

Namibia – The Government has simplified enrolment mechanisms, for example, by introducing mobile technologies, enabling funds to be released quickly, with over 500,000 beneficiaries receiving benefit payments within three weeks.⁵⁹

Rwanda – The Government has adapted the public works component of its flagship social protection programme. It has temporarily waived work requirements for beneficiaries of public works projects, while still paying the cash transfers and respecting physical distancing.⁶⁰

41. Public employment programmes have been introduced in a few countries to support low-income and disadvantaged workers.

Philippines – A public employment programme (The Disadvantaged Workers Programme) has been introduced to mitigate the adverse impacts of quarantine measures on certain workers. The programme pays 220,320 participants 100 per cent of the highest prevailing regional minimum wage for up to ten days. Recipient workers are required to participate in safety training and to sanitize and disinfect their houses and the immediate vicinity.⁶¹

⁵⁸ ILO, Social protection spotlight – “Social protection responses”.

⁵⁹ ILO, Social protection spotlight – “Social protection responses”.

⁶⁰ ILO, Social protection spotlight – “Social protection responses”.

⁶¹ *Philippines*, Department of Labor and Employment, [Department Order No. 210](#) – “Guidelines for the Implementation of the Tulong Panghanapbuhay Sa Ating Displaced/Disadvantaged Workers Program (Tupad) #Barangay Ko, Bahay Ko (Tupad #Bkbk) Disinfecting/Sanitation Project”, 19 August 2020.

(a) Income support for quarantined workers who cannot work from home

42. In many countries, full or partial wage compensation has been provided to ensure continued income for those who cannot work during the lockdown.

Canada – The [Canada Recovery Sickness Benefit](#) provides \$500 per week for up to a maximum of two weeks, for workers who: are unable to work for at least 50 per cent of the week because they contracted COVID-19; are self-isolating for reasons related to COVID-19; have underlying conditions, are undergoing treatments or have contracted other sicknesses that, in the opinion of a medical practitioner, nurse practitioner, person in authority, government or public health authority, would make them more susceptible to COVID-19.⁶²

Germany – Employees have continued to receive wages, for which employers have been reimbursed by the Federal Government. Wages have also been paid during periods of isolation under the terms of the Infection Protection Act, and the employer is reimbursed by the Health Department.⁶³

Iceland – Provided “quarantine payments” between 1 February and 30 April 2020 to support employers who continued to pay wages to employees in isolation who were not covered by other entitlements, such as sick leave under collective agreements.⁶⁴

Israel – In its report, the Government indicates that the stimulus plan approved by the Cabinet provides for unemployment compensation benefits of 100 per cent until June 2021 or until the unemployment rate drops below 10 per cent, when it will be reduced to 75 per cent of the unemployment allowance.

(b) Measures to support the self-employed

43. Unlike employees, the majority of self-employed workers are not covered by sick leave or unemployment insurance. In many countries, they are totally or partially in the informal economy.⁶⁵ To address this issue, specific measures have been adopted in some countries to support the self-employed, many of whom have experienced enormous drops in income during the crisis. The measures taken range from the provision of financial and fiscal support, sick leave payments and unemployment benefits,⁶⁶ to lump-sum subsidies.⁶⁷

⁶² The [COVID-19 Economic Response Plan](#) also provides for additional measures for individuals: an Employment Insurance program; the Canada Recovery Benefit and the Canada Recovery Caregiving Benefit.

⁶³ *Germany*, Federal Ministry of Labour and Social Affairs (BMAS), “[Coronavirus \(SARS-CoV-2\): Questions relating to labour law and safety and health at work](#)”, 4 August 2020.

⁶⁴ OECD, OECD Policy Responses to Coronavirus (COVID-19), “[Paid sick leave to protect income, health and jobs through the COVID-19 crisis](#)”, 2 July 2020.

⁶⁵ See Part III below.

⁶⁶ For example, *Slovenia*.

⁶⁷ For example, *Republic of Korea* ([Emergency Stability Subsidy to dependent self-employed, freelancers, micro-business owners who experience economic difficulties but are not covered by employment insurance](#)).

Denmark – Self-employed persons and those employed in small businesses with fewer than ten employees who are facing a loss of earnings of 30 per cent or more are entitled to 75 per cent compensation, up to a maximum of 23,000 Danish kroner (€3,000) a month in indirect financial support. Where the partner of a self-employed person or small business owner is also employed in the business, the compensation ceiling is increased to 46,000 kroner (€6,000).⁶⁸

France – A solidarity fund of €2 billion has been established for the self-employed, which provides €1,500 monthly compensation for self-employed persons and small companies with a turnover below €1 million who have experienced a fall in turnover of 70 per cent or more.⁶⁹

Netherlands – In its report, the Government refers to the TOZO, that consists of a temporary bridging measure for self-employed professionals. The scheme runs from 1 March to the end of September. The TOZO may be extended until July 2021 following a test of available funds. Self-employers will be provided with further retraining and reorientation.

Mauritius – A Self-Employed Assistance Scheme (SEAS) was implemented through the Mauritius Revenue Authority (MRA) to assist self-employed persons who have suffered a loss of revenue as a consequence of lockdown during the pandemic. The Scheme provided for the payment of Rs 5,100 to eligible self-employed individuals for the period of confinement (20 March–15 April 2020).⁷⁰

Morocco – A National Medical Assistance Programme (RAMED) was established on 27 March 2020, under which financial assistance was extended to informal workers who lost their incomes due to compulsory lockdown. RAMED is a subsidised, non-contributory health insurance scheme for vulnerable households and covers about 20 per cent of the population. The funds for this initiative consisted of approximately 2.7 per cent of the GDP, financed by the Government and by voluntary contributions from public and private entities.⁷¹

⁶⁸ OECD, OECD Policy Responses to Coronavirus (COVID-19), “[Coronavirus \(COVID-19\): SME policy responses](#)”, 15 July 2020.

⁶⁹ France, Ministry of the Economy, Finance and Recovery, “[Coronavirus COVID-19: Les mesures de soutien aux entreprises](#)”.

⁷⁰ <https://www.mra.mu/index.php/media1/self-employed-assistance-scheme>.

⁷¹ <https://www.wiego.org/sites/default/files/resources/file/02%20Social%20Protection%20Responses%20to%20Covid-19%20FRA.pdf>.

(iii) Employment retention measures

44. Employment retention measures generally consist of incentives to encourage employers to retain workers during periods when a business is forced to close or reduce its operations. The objective of these measures is to keep workers on the payroll so that enterprises are ready to resume operations as soon as restrictions are eased or lifted. Such measures may include work-sharing, a shorter working week⁷² and wage subsidies.⁷³

Australia - Support is available for small businesses to enable them to retain apprentices. Eligible employers can apply for a wage subsidy of 50 per cent of the apprentice's wages for up to nine months between 1 January and 30 September 2020. Where a small business is not able to retain an apprentice, the subsidy is available to any other employer that can take on the apprentice. This measure is designed to support up to 70,000 small businesses with around 117,000 apprentices.⁷⁴

Canada - Special temporary work-sharing measures to support employers and workers affected by COVID-19 are applicable from 15 March 2020 to 14 March 2021, and are not limited to a specific sector or industry.⁷⁵ The Government has taken further measures to avoid lay-offs, rehired employees and create new jobs through [Canada's COVID-19 Economic Response Plan](#).⁷⁶

The Single Confederation of Workers of Colombia (CUT) and the Confederation of Workers of Colombia (CTC) refer to the implementation of the Formal Support Program (PAEF), which provides wage subsidies (40 per cent of the minimum wage) to those companies that have suffered a 20 per cent income fall. The CUT and the CTC highlight that, while MSMEs generate approximately 90 per cent of formal employment in the country, as of July 2020 only 1.1 per cent of micro and small enterprises had benefited from the program. They also observe that, according to the National Household Budget Survey, the aforementioned subsidy only represents 10 per cent of the average expenditure of the poorest households in the country.

⁷² There are proposals and projects for shorter working hours, for example in *New Zealand*. Matt Burrows, "[Four-day work week: A silver bullet for New Zealand's economy post-COVID-19 or an idealist fantasy?](#)", Newshub, 2 June 2020.

⁷³ ILO, "[Temporary Wage Subsidies](#)", Factsheet, 22 May 2020.

⁷⁴ The Government of *Australia*, Business, "[Supporting apprentices and trainees](#)". Similarly, in *Germany*, the Securing Apprenticeships programme aims at preserving the offer of apprenticeships and support the continuation of vocational training courses already begun in order to give young people reliable prospects for their future careers.

⁷⁵ Government of *Canada*, "[Work-Sharing Program – COVID-19](#)". In its report, the Government also refers to the implementation by the Government of Quebec of the Action Plan for Labour (Plan d'action sur la main d'oeuvre PAMO) that aims to integrating workers in the labour market, adapting skills training future workers and increasing enterprises productivity. The plan focuses in particular on older workers, workers with disabilities and indigenous peoples.

⁷⁶ See *Canada*, [Canada's COVID-19 Economic Response Plan](#).

Dominican Republic – Enterprises affected by the lockdown and registered with the social security fund are entitled to receive a wage subsidy of 70 per cent of the wages paid between 5,000 and 8,500 Dominican pesos (US\$90–US\$160) per employee each month.⁷⁷

Netherlands – In its report, the Government refers to the NOW scheme which consists of a subsidy for employers for the payment of wages. Companies with a minimum of 20 per cent decrease in turnover get a subsidy for 90 per cent of the wage costs. In the first phase of the NOW scheme, 140,000 firms received almost €10 billion in subsidies enabling payment of wages for 2.7 million employees. For the second phase, the figures are 63,000 firms, €5.4 billion and 1.3 million employees. The estimated amount of subsidies paid out in the third phase of the NOW scheme is €5.4 billion. The Dutch Government now introduces a phasing-out scheme of the 90 per cent subsidy in three steps of three months each: from 1 October 2020 80 per cent, from January 2021 70 per cent, and from April 2021, 60 per cent of wage cost subsidies. Also, the eligibility requirement is a 30 per cent decrease in turnover from October 2020.⁷⁸

Romania - Wage subsidies for workers in temporary (technical) unemployment have been established. The Government covers up to 75% of the wages of such workers, but not exceeding 75% of the national gross average salary, of workers who are employed, but unable to work because their company had to suspend activities following government-imposed restrictions, or where the turnover of the company was reduced by at least 25% due to the pandemic.

45. Short-time working arrangements are widespread in Europe.⁷⁹

Austria – In its report, the Government refers to the Corona Short-time work (Covid-19-Kurzarbeit). In the case of “temporary, non-seasonal” economic difficulties due to the pandemic, company employees have the option of reducing their working hours by 10–90 per cent for 3+3 months. The financial means are available for small and large companies in all sectors. A social partner agreement is necessary. The employment level in companies must be maintained during COVID-19 short time work.⁸⁰

⁷⁷ ILO, Social protection spotlight – “Social protection responses”. Similarly, *Ireland* has developed two main Government schemes available to support those whose income from employment has been affected due to COVID-19. These are the Pandemic Unemployment Payment (PUP) which is administered by the Department of Employment Affairs and Social Protection (DEASP), and the Temporary Wage Subsidy Scheme (TWSS) which is being administered through the Revenue Commissioners. These two COVID-19 income supports were originally set up as short-term emergency income supports but have been extended several times.

⁷⁸ Similarly, the *Republic of Korea* has adopted the “Employee retention subsidy”, see [Responding to COVID-19 - Emergency Employment Measures](#), 4.

⁷⁹ Short-time work is a subsidy to compensate for temporary reductions in the number of hours worked in firms affected by temporary shocks. Thorsten Schulten/Torsten Müller, Kurzarbeitergeld in der Corona-Krise – [Aktuelle Regelungen in Deutschland und Europa, WSI Policy Brief No. 38 04/20](#).

⁸⁰ Similarly, *Czechia* has adopted short-time work schemes in the framework of its “antivirus” employment support program.

Germany – The Act on the temporary improvement of the regulations for short-time work compensation due to the crisis has made it much easier for workers to receive short-time working benefit. The Act enables an enterprise to introduce short-time work if at least 10 per cent of its employees are affected by a reduction in working hours. Short-time work can be introduced in enterprises and covers regular and temporary agency workers. Eligibility for the benefits is independent of the status of any individual working time accounts. In addition, employers' social security contributions are fully reimbursed for a certain period. In addition, some unions have recently concluded collective agreements in which benefits have been increased, in some cases to almost 100 per cent of net wages.

46. Enterprises have also adopted innovative measures to help ensure that jobs are maintained. One such measure consists of sharing a post as well as of redeploying workers to sectors where additional workforce is needed. To facilitate this adaptation, jobs, workers and capital are reallocated to the extent possible, to more productive uses.⁸¹

47. Some enterprises have agreed to take on workers from other firms in hard-hit sectors.

Argentina – The automaker General Motors Argentina and Unilever Argentina announced an agreement during the crisis. Unilever's plant in Villa Gobernador Galvez (Santa Fe) included in its workforce a group of workers from the General Motors plant in Alvear (Santa Fe), which had suspended operations due to the crisis in the automotive sector.⁸² Furthermore, McDonald's and the Chamber of the Argentine Software Industry (CESSI) have signed an agreement for the temporary transfer of employees from the fast food chain to technology firms, which will train the workers and will have the opportunity to hire them on a permanent basis.⁸³

China – Some catering industries based in Beijing agreed with Alibaba to send their employees to work in Hema, the enterprise's retail grocery chain.⁸⁴

United States – Sysco Corporation (a global leader in selling, marketing and distributing food products to restaurants, healthcare and educational facilities) entered into an agreement with the Kroger Company. Pursuant to the agreement, workers from Sysco who had been temporarily furloughed due to COVID-19 will have the opportunity to be redeployed to work at Kroger locations.⁸⁵

⁸¹ See in this regard, VOXEU CEPR, José María Barrero, Nicholas Bloom, Steven Davis, [COVID-19 and labour reallocation: Evidence from the US](#), 14 July 2020.

⁸² Unilever, "[Unilever y General Motors hacen posible un acuerdo innovador para la incorporación temporal de operarios](#)", Press release, 10 May 2020.

⁸³ CESSI Argentina, "[La Cámara de la Industria Argentina del Software y McDonald's firman un acuerdo de cooperación laboral y desarrollo profesional](#)", Noticias, 13 July 2020.

⁸⁴ <https://news.cgtn.com/news/2020-03-09/Employee-sharing-helping-companies-get-through-COVID-19-QqvFZWc67m/index.html>. See also other examples in *Argentina*: https://www.clarin.com/economia/crisis-crece-pase-prestamo-empleados-empresas_0_dFAtsNMZS.html.

⁸⁵ <https://investors.sysco.com/annual-reports-and-sec-filings/news-releases/2020/03-27-2020-201531734>.

48. In a few countries, changes have been introduced to the regulations on dismissal and short-term work (STW) programmes have been launched.

49. Many workers are carrying out tasks they would never have imagined doing before the crisis. Some are producing surgical masks and gowns in workplaces originally destined to manufacturing cars or sportswear. Enterprises are adapting, in some cases reskilling, and redeploying labour from sectors where demand has plummeted to others where the need for workers is higher.⁸⁶ This mobility also enables enterprises to at least temporarily replace workers who fall sick.

50. In addition, deconstructing jobs into their component tasks makes it easier to determine which tasks can be performed by workers working remotely or in other geographic locations.⁸⁷

51. While all of these measures seek to avoid dismissals and lay-offs and ensure the survival of the enterprise, the issue is whether the employer can require the employee to perform work outside of his or her job description. In this regard, the Committee recalls that exceptional circumstances may allow for exceptional measures and highlights the importance of promoting constructive social dialogue in the enterprise with the aim of enabling the parties to find the best balance between what is needed to keep the enterprise functioning with jobs that employees can perform or that are appropriate for them to perform, taking into account their skills and experience.⁸⁸

Netherlands – In its report, the Government indicates that following the NOW2 scheme employers have been obliged to help their employees find another job via advice on retraining and re- and upskilling efforts. This has been facilitated by the “Netherlands continues to learn” subsidy scheme that was introduced from 1 August. The scheme consists of free training and development advice and (online) training. The aim is to facilitate workers to move to sectors where there is a large demand for workers, as in health care and logistics.

Peru – The General Directorate for Standardisation, Training for Employment and Certification of Labour Competences has issued the “Guidelines for the Development and Strengthening of Competences for Employability” (Ministerial Resolution NO. 017-2020-TR) with the objective of encouraging the development of competences to foster labour market inclusion. Furthermore, Resolution No. 016-2020-MTPE/3/19 approves the “Provisions for the implementation of training in skills for employability in virtual mode” for implementation of virtual training. Resolution No. 0023-2020-MTPE/3/19 approves the “Protocol of Criteria for the Review and Selection of Virtual Courses and Digital Resources in the Framework of the Virtualisation of the Labour Training Service”.

⁸⁶ <https://hbr.org/2020/04/how-the-coronavirus-crisis-is-redefining-jobs>.

⁸⁷ <https://hbr.org/2020/04/how-the-coronavirus-crisis-is-redefining-jobs>.

⁸⁸ See for example the questions and answers by the United States Department of Labor, [COVID-19 and the Fair Labor Standards Act Questions and Answers](#).

Trinidad and Tobago – In its report, the Government indicates that the Ministry of Labour and Small Enterprise Development (MOLSED) is developing a Ten-Point Plan on Unemployment titled “Empowering Unemployed persons-Re-integration into Decent Work: Turning Adversity into Opportunity”. Among the objectives of the plan, it aims at facilitating jobs and skills matching, providing counselling and up-skilling suitable retrenched workers to be technical and vocational teacher for secondary schools; Providing seed capital and start-up business financing for retrenched workers and support in forming Co-operatives; providing support to the formation of Small Businesses and Co-operatives-focus on Training and Development.

(iv) Helping enterprises to survive the crisis

52. In many countries, measures have been taken to mitigate the economic impact of the pandemic on businesses of all sizes in all sectors. These measures include the deferral of rent and utility payments, the deferral of debt repayments and social security contributions, grants and subsidies, and the provision of direct loans.

Finland – In its report, the Government indicates that additional support of €20 million has been allocated to ensure business survival at regional level. A further €150 million was allocated to support medium-sized enterprises in sudden temporary difficulties caused by the COVID-19.

(a) Measures to temporarily alleviate the burden on businesses of paying rent, utility bills or local taxes

53. In some countries, payments of rent and utility costs have been deferred to prevent liquidity problems for companies, and particularly for MSMEs.

France – Order No. 2020-316 of 25 March 2020 provides for the deferral of rent, gas and electricity payments in order to support companies affected by the pandemic. The Government has asked electricity and gas suppliers and the owners of premises to grant deferrals of rent and electricity and gas bills for very small enterprises.⁸⁹

Netherlands – In its report, the Government refers to the one-time reimbursement of €4,000 to specific sectors that ran until end of May. The Government further indicates that enterprises, in particular from the catering, recreation, events, fairs and cultural sectors and receive from 1 June to end September 2020 a tax-free compensation of up to €50,000 to cover their fixed expenses. The amount depends on the size of the company, the costs and the loss of turnover.⁹⁰

⁸⁹ Bpifrance, “[Le report de paiement de loyer, de gaz et d’électricité](#)”, updated on 20 May 2020.

⁹⁰ Similarly, in *Sweden*, [the Riksdag has decided that landlords who reduced fixed rents for tenants in certain vulnerable sectors](#) during the period 1 April until 30 June 2020 will be able to apply for support to compensate part of the reduction. The compensation provided will be at most 50 per cent of the reduction in fixed rent, namely, the actual discount, but at most 25 per cent of the original fixed rent.

Oman – Rent payments have been suspended for companies in industrial zones for the next three months.⁹¹

Qatar – A funding programme of 75 billion Qatari rials (US\$20.6 billion, or about 13 per cent of GDP) has been introduced to shore up small businesses and badly affected sectors (hospitality, tourism, retail, commercial complexes and logistics), including through six-month exemptions from utility payments (such as water and electricity). SMEs are also exempt from paying rent for six months.⁹²

(b) Debt payment moratorium

54. In some countries, a debt moratorium has been introduced by governments or private institutions, such as commercial banks.

Brazil – The Federation of Banks has announced an agreement under which the five largest banks in the country (Banco do Brasil, Caixa, Itaú Unibanco, Bradesco and Santander) will respond to requests for a 60-day extension of debt maturity for individuals and SMEs.⁹³

Israel – The five largest banks in the country, which account for around 99 per cent of overall banking activity, have declared a deferral of mortgage and loan payments (with a waiver of deferred payment fees) for the next three months. The largest mortgage bank in the country, Mizrahi Tefahot, is postponing payments for four months.⁹⁴

(c) Deferral of social security and pension contributions

55. In a number of countries, employers have been authorized to delay the payment of social security contributions and pensions as well as health insurance. In many cases, governments have taken over the payment of social security contributions.⁹⁵

Czechia – The Government indicates in its report that self-employed persons were authorized to apply for a 6-month waiver of health insurance payments.

⁹¹ IMF, "Policy responses to COVID-19", Oman, updated on 29 July 2020.

⁹² IMF, "Policy responses to COVID-19", Qatar, updated on 30 July 2020.

⁹³ https://www.em.com.br/app/noticia/economia/2020/03/16/internas_economia,1129304/bancos-vaio-prorrogar-por-60-dias-dividas-de-clientes-para-socorrer-e.shtml.

⁹⁴ Similar measures have been adopted in other countries, such as *Egypt* and *Saudi Arabia*. See OECD, "Coronavirus (COVID-19): SME policy responses".

⁹⁵ For example, the Government of the *Republic of Korea* indicates that it has temporarily delayed deadlines for contribution payments for employment insurance and industrial accident compensation insurance for enterprises with less than 30 employees for a period of three months and reduced the amount of industrial accident compensation insurance contribution by 30 per cent. [Responding to COVID-19 - Emergency Employment Measures](#), 7.

Hungary – Exemption from social security contributions has been granted for sectors that have been severely affected by the pandemic (tourism, the film industry, restaurants, entertainment venues, gambling, sports, cultural services, passenger transport).⁹⁶

Turkey – Social security contributions have been deferred for six months for the retail, iron and steel, automotive, textile, entertainment and hospitality sectors, food and beverage businesses, shopping malls and event organizers.⁹⁷

(d) Grants, subsidies and loans to enterprises

56. A large number of governments have strengthened direct lending to SMEs.⁹⁸

Chile – An existing programme of targeted subsidies for companies experiencing hardship due to the pandemic has been extended to firms in the tourism sector, starting in April 2020.⁹⁹

Israel – In its report, the Government indicates that over 300,000 self-employed (individuals and businesses) have received an immediate grant. For example, those who experienced a decline in turnover of at least 40 per cent will receive a stipend of up to 70 per cent of taxable income. Furthermore, the Government refers to measures expanding loans for enterprises and tax refund for property tax expenditures until the end of June 2021.

Lithuania – The Government has established a fund to provide liquidity to medium-sized and large businesses through direct loans or investments in equity and debt securities until the end of 2020.

57. In some countries, administrative procedures have been simplified to facilitate access to loan guarantees and measures have been extended to encourage commercial banks to expand their lending to SMEs. In particular, in Europe and Asia and the Pacific, governments have introduced or intensified guarantee schemes to encourage banks to support lending to

⁹⁶ Similar measures have been taken, for example, in *Argentina, Brazil, Israel and Peru* ([Supreme Decree No. 044-2020-PCM](#)), and *Sweden* (the reduction for corporate social security contributions applies to up to 30 employees per company and up to a payroll expense of 25,000 Swedish krona per employee and month. See also OECD, “Coronavirus (COVID-19): SME policy responses”. The Government of *Germany* has taken measures to provide complete reimbursement of social insurance contributions.

⁹⁷ See OECD, “Coronavirus (COVID-19): SME policy responses”.

⁹⁸ For example in *Australia, Austria, Brazil, Canada, Chile, Colombia, Croatia, Czechia, China – Hong Kong Special Administrative Region, India, Ireland, Japan, Lithuania, Luxembourg, Malaysia, Portugal, Republic of Korea, Saudi Arabia, Slovenia, Spain, Switzerland, Thailand, United Kingdom and United States*. See OECD, “Coronavirus (COVID-19): SME policy responses”.

⁹⁹ See OECD, “Coronavirus (COVID-19): SME policy responses”.

SMEs.¹⁰⁰ The measures include the extension of the types of SMEs and enterprises covered, raising the ceiling for the guarantee as a percentage of the loan, the acceleration of guarantee and lending procedures and, more generally, an increase in the public funding available to support guarantees.

Lithuania – The State will provide rapid liquidity aid to companies amounting to €2 billion. Up to 80 per cent of the principal of loans to micro companies and SMEs, and up to 70 per cent for large companies, will be guaranteed.¹⁰¹

Norway – A loan programme has been established, through which lenders receive a guarantee on 90 per cent of the value of new loans issued to SMEs affected by the pandemic. The Government has also proposed to reinstate the Government Bond Fund to support larger companies. The two programmes combined will cover up to 100 billion Norwegian krone in loans and will help to secure jobs through the improved access to liquidity of Norwegian companies.¹⁰²

(e) Measures to support digitalization

58. Action has been taken in some countries to help enterprises adopt new work processes, accelerate digitalization and find new markets. These policies are designed to address urgent short-term challenges, while contributing to strengthening the structural resilience of SMEs as a basis for their further growth. The policies include support for: finding alternative markets, teleworking and digitalization, innovation and the (re)training of the workforce. They are particularly important as SMEs often face greater difficulties than larger businesses in adopting new technologies and methods without assistance. Support for the introduction of new technologies and practices may also enable them to strengthen their post-crisis competitiveness.

Angola – The Government refers in its report to the priorities established in the National Development Program (2018-2022) which include supporting the establishment of micro and small enterprises by encouraging banks to offer micro credit and low-interest loans.

Canada – In its report, the Government indicates that in June 2020, the Government of Québec announced the launch of a new free and simple placement service, Jetravail!. This service allows employers to make their labour needs known in real time and jobseekers to apply for a position in just one click. This initiative is part of a series of government actions to support the gradual recovery of economic activities in the context of the coronavirus pandemic.

¹⁰⁰ For example in Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Greece, China – Hong Kong Special Administrative Region, Ireland, Israel, Italy, Japan, Lithuania, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Saudi Arabia, Singapore, Spain, Switzerland and United Kingdom. See OECD, “Coronavirus (COVID-19): SME policy responses”.

¹⁰¹ STA, “[State to guarantee up to 80% for loans to SMEs, 70% for large companies](#)”, 22 April 2020.

¹⁰² Government of Norway, “[Guarantee and loan programmes improving liquidity for Norwegian companies](#)”, Press release No. 8/2020, 20 March 2020.

Czechia – The Government indicates in its report that measures have been taken to digitalize the labour office. The “Antivirus Program” has been handled only electronically. Furthermore, measures have been taken to reduce the administrative burden.

Guatemala – In its report, the Government indicates that with a view to foster formal employment and ensure skills and job matching, virtual fairs have been organized in 2020.

Italy – The Ministry of Innovation and Digitalization has launched a “Digital Solidarity” initiative. A portal has been established through which companies (particularly SMEs and the self-employed) can register to access digital services without cost from large private sector companies in such areas as smart/teleworking, video conferencing, access to mobile data and cloud computing, among others, to help them cope with restrictions on movement and work.¹⁰³ The Government refers in its report to the New Skills fund established by Decree-Law No. 34 of May 2020 to facilitate the resumption of activities. It provides funds for the reskilling and upskilling of workers whenever enterprises adjust their organizational and production models as a result of the crisis.

Republic of Korea – The Government indicates in its report that it has taken measures for the support of online market entry for micro-business owners. The support is provided through different channels, with the objective of improving sales and management. In particular, the Government is providing and expanding Smart stores that apply cutting-edge technologies, such as the internet of things, virtual reality or augmented reality to small businesses. Businesses are trained on data utilization for measuring (for example, on how to use a 3D foot scanner), immersive content (virtual or augmented reality that enables smart mirrors or virtual interior decoration) or business operation innovation (smart ordering systems).

59. In several countries, existing programmes have been expanded, or new initiatives launched in the context of the pandemic for the provision of training and skills development to SMEs. An important aspect of the policy response to the crisis is to enable businesses, and particularly SMEs, to maintain access to skills and develop further skills during the pandemic.

China – Training for SMEs is being subsidized, including free access to online training platforms. Technical know-how and management lessons are being provided to SMEs free-of-charge during the pandemic via mobile platforms.¹⁰⁴

¹⁰³ Italy, Ministry for Technological Innovation and Digitalization, “[Solidarietà digitale. Coronavirus: la digitalizzazione a supporto di cittadini e imprese](#)”.

¹⁰⁴ Xinhuanet, “[Free online course open to SMEs to weather epidemic](#)”, 12 February 2020.

Finland – In its report, the Government indicates that the Employment and Economic Development offices will be provided with an extra allocation of €10 million for digital services. A comprehensive digital job marketplace platform is being designed to support the digital services. Additional financing of €1 million is proposed for the Digital Employment follow-up project. The project will enable a better match between jobs and workforce in the real estate and construction sectors.

Peru – In its report, the Government indicates that the procedures for obtaining the Single Labour Certificate have been simplified in its two versions CERTIJOVEN and CERTIADULTO, replacing the procedure that was carried out in person with a process of verifying the applicant's virtual identity; and work is being done on the redesign and improvement of the labour intermediation service, within the framework of the National Employment Service, as measures envisaged in order to reduce the impact of COVID-19 on the lives of workers and to allow greater opportunities in the formal labour market in this scenario. (Report No. 255-2020).¹⁰⁵

The Confederation of British Industry (CBI) has warned that Britain faces a “stark choice” between investing in workers’ skills and lifelong learning or experiencing sustained rates of high unemployment. The business group said nine out of ten people will need new skills by 2030 to support the future of the *United Kingdom* economy, requiring an additional £13bn (\$16.8bn) a year.¹⁰⁶

(f) Flexible arrangements to cope with the crisis

60. In some cases, workers’ labour rights have been deferred or modifications have been negotiated to ensure the survival of enterprises. For example, a number of enterprises have negotiated the exercise of the right to paid annual leave with workers’ representatives, as a means of coping with lockdowns. Where enterprises have been forced to close down and workers have been unable to go to the workplace, the question has arisen whether this period of time could be characterized as annual leave, particularly in those cases where workers have already received their wages, but were not able to go to work and were unable to perform their tasks through teleworking. In principle, such periods of annual leave should be agreed upon between the employers and the workers. Nevertheless, workers should be able to object to counting non-working days due to lockdowns as annual leave days. In many countries, employers and workers have agreed to arrangements whereby the worker will take a period of paid annual leave during lockdown or where work has temporarily declined due to a drop in demand due to the crisis. Special provisions have been adopted in some countries in this regard.

61. The Committee points out that such measures, whose objective is to ensure the enterprise’s ability to survive the current crisis, and which are primarily agreed through social dialogue, should be distinguished from measures taken with the objective of depriving workers of acquired rights that form part and parcel of the employment relationship and which are examined in Part II.

¹⁰⁵ Similarly, the Government of *Israel* indicates that measures were taken during the lockdown to ensure that active labour market programmes continue to operate through digital means.

¹⁰⁶ CBI, [A radical new strategy for lifetime reskilling](#), 19 October 2020.

Italy – The Government, after consultation with the social partners, has encouraged public and private employers to promote the use of annual leave as a means of coping with the need to reduce the spread of the virus by suspending business activities.¹⁰⁷

Uruguay – On 20 April 2020, the Ministry of Labour and Social Security (MTSS) issued Resolution No. 55/2020, authorizing advance use of paid leave. The Resolution authorizes, exceptionally and under specific conditions, the possibility of an agreement between the worker and the employer allowing the use of annual paid leave before it is accrued in 2020. Any such agreements must be set out in writing and be submitted to the MTSS. Moreover, the motive for the agreement must be linked to the COVID-19 pandemic. The agreement must cover the entire amount of the annual leave to be accrued in 2020 but in any event it cannot cover a period of less than ten days).¹⁰⁸

(g) Multinational enterprises, global supply chains and COVID-19

62. The interconnectedness of the global economy has amplified the impact of the pandemic, directly affecting international trade and the global supply chains that link production in multiple locations across the world. As a result, production disruptions due to the lockdown in one location have had ripple effects throughout supply chains, with widespread intra- and inter-industry impacts globally affecting all levels of supply chains, from industries engaged in the extraction of raw materials to those involved in assembly, and ultimately distribution and sales.¹⁰⁹ This has obvious repercussions on jobs at national and local level and thus on the promotion of full, productive and freely chosen employment. In this respect, the Committee notes that multinational enterprises and global unions have been active in adopting measures to ensure the safety of workers in global supply chains.

The food retailers Auchan, Carrefour, the Casino Group, El Corte Inglés and Eroski, have signed a Joint Declaration in which they undertake to work with UNI Global Union to protect supermarket workers and customers during the pandemic. In the Joint Declaration, the food retailers recognize the vital role of supermarket workers during the crisis and pledge to make workers' safety a priority. The signatories also agree to work closely with trade unions around the world on measures to manage risks related to COVID-19.¹¹⁰

¹⁰⁷ *Italy*, Decree of the President of the Council of Ministers, 26 April 2020, [Ulteriori disposizioni attuative del decreto-legge 23 febbraio](#).

¹⁰⁸ <https://www.gub.uy/ministerio-trabajo-seguridad-social/comunicacion/noticias/mtss-autoriza-adelantar-licencias-generadas-2020#:~:text=El%20Ministerio%20de%20Trabajo%20y,la%20pandemia%20ocasionada%20por%20el>.

¹⁰⁹ ILO, “[The effects of COVID 19 on trade and global supply chains](#)”, Research brief, June 2020. See also Oxford Business Group, “[The impact of COVID-19 on global supply chains](#)”, 24 April 2020.

¹¹⁰ UNI Global Union. “[Global food retailers sign landmark Declaration with UNI to tackle Covid-19, others should follow](#)”, News, 20 April 2020.

63. Other initiatives have been launched at the global level. For example, the International Chamber of Commerce (ICC) has launched an initiative “Save Our SMEs”, which invites multinational corporations to preserve their supply chains, operations and workforce as the economic repercussions of the pandemic ripple through global supply chains.¹¹¹ Analysis of the medium and long-term effects of the pandemic on enterprises and workers, as well as supply chain sustainability and the world of work, suggests that the pandemic offers an important opportunity to enhance the resilience and sustainability of global supply chains and strengthen their contribution to inclusive economic growth in developing and emerging economies.¹¹²

(c) Protecting workers in the workplace

64. As enterprises and workers resume their activities, effective action is needed to address the challenge of keeping workers safe and preventing the further spread of the virus.¹¹³ The main challenge is to reduce the exposure of workers to COVID-19 in the workplace while keeping businesses afloat.¹¹⁴ Lack of protection, insufficient occupational safety and health measures or paid sick leave arrangements put workers at higher risk of contagion and increase potential transmission of the virus, which could consequently impact on enterprises’ productivity.

The *ITUC* indicates that precarious workers on various flexible contractual arrangement, whether zero hours, casual, temporary, outsourced or fixed term and who, in the majority, have been at the forefront of providing essential services during the pandemic must be afforded better employment protections and safeguards.

The Confederation of German Employers’ Associations (*BDA*) (Germany) has indicated that flexible forms of employment help meet rising demands for flexibility and the pressure of competition that increases with globalisation. The *BDA* adds that “flexible forms of employment frequently reflect employees’ individual ambitions and circumstances”.

(i) The need to strengthen occupational safety and health measures

65. Occupational safety and health (OSH) measures have been strengthened in most countries through the establishment of workplace policies setting out basic measures to prevent the transmission of COVID-19, including social distancing, self-monitoring and self-isolation. It should, however, be recalled that, as the crisis unfolded, millions of workers continued to work and to provide services that were considered essential for the community,¹¹⁵ while facing significant occupational health risks.

¹¹¹ In relation to the “Save our SMEs” initiative, the ICC Secretary General has emphasized that “[t]here is no one-size-fits-all approach to corporate leadership in this unprecedented crisis, but there are many things corporates can do, from modifying payment terms to provide much-needed cash flow to suppliers, to granting credit and rent relief to distributors. Such generosity of spirit will not only help keep the global economy afloat, but will pay dividends down the line, guaranteeing a smoother resumption of business activities in the post-crisis recovery.” ICC, “[ICC calls on corporate leaders to ‘Save our SMEs’](#)”, News, 20 April 2020. See also Part IV.

¹¹² ILO, “The effects of COVID 19 on trade and global supply chains”.

¹¹³ ILO, “[World Day for Safety and Health at Work 2020. Stop the pandemic: Safety and health at work can save lives](#)”, 29 April 2020.

¹¹⁴ ILO, “[Prevention and Mitigation of COVID-19 at Work: Action checklist](#)”, 9 April 2020.

¹¹⁵ Services considered to be essential within the context of the COVID-19 pandemic were defined in each country at the national level.

France – Workers in Amazon warehouses organized protests about their working conditions, including the lack of hygiene products and the inability to ensure social distancing. On 3 April 2020, the labour inspection services confirmed the presence of safety hazards. The Ministry of Labour ordered Amazon to take further measures to protect its employees. The court of Nanterre determined that Amazon was still not providing sufficient safety measures and decided to ban its sale of non-essential items until the risks were assessed and addressed.¹¹⁶ Ultimately, a collective agreement was signed with various trade unions present in the enterprise.

Germany – A number of occupational health and safety requirements have been established since the onset of the pandemic. These concern, for example: the ventilation of rooms, the reduction of business trips, the use of highly personalized work equipment and tools (to prevent infections) and the organization of work processes with the aim of avoiding contact wherever possible.

Mexico – Companies were required to: (i) provide sanitary products and PPE for workers; (ii) organize schedules for the use of facilities so as to reduce contact; (iii) separate shared workstations by a distance of between 1.50 and 2 metres. More generally, the Ministry of Labour and Social Security (STPS) launched the “Together for Work” (*Juntos por el Trabajo*) initiative to share with workers, employers and the general public a set of tools, guidelines, training courses and practical advice about the changes in the labour market due to COVID-19.¹¹⁷

United States – A substantial number of states in the United States mandated the use of masks at all times by the public as well as by workers inside grocery stores, pharmacies, and other retail establishments.¹¹⁸ Several states also require employers to provide PPE to workers at the employers’ expense.¹¹⁹

¹¹⁶ Similarly, in the *United States*, in *Massey v. McDonald’s Corp.*, an Illinois state court granted partial injunctive relief, finding that the restaurants’ training on social distancing and ensuring use of masks was deficient. See Angela Childers, [McDonald’s Ordered to Train Workers on Social Distancing](#), BUS. INS. (25 June 2020). In *Hernandez v. VES McDonald’s*, the California state court granted a preliminary injunction that required the defendant to implement and provide adequate training, safe distancing, paid breaks every 30 minutes for handwashing, and hand masks and gloves. See Robert Iafolla, [McDonald’s Workers Win Virus Safeguards in ‘Dog Diaper’ Case \(Corrected\)](#), DAILY LAB. REP. (23 June 2020) (updated 10 July 2020); see also [Court Orders Restaurant Company to Allow Worker to Wear Face Covering](#), ALDOUSWALKER LLP (7 May 2020).

¹¹⁷ Government of Mexico, “[Juntos por el trabajo](#)”.

¹¹⁸ [Mass. Exec. COVID-19 Order No. 31 \(May 1, 2020\)](#) (requiring that all employees and customers wear masks inside grocery stores, pharmacies, retail stores, and when using mass public transit); [N.Y. Exec. Order No. 202.16 \(12 April 2020\)](#) [<https://perma.cc/P3VT-EMAR>] (mandating that all employees in contact with the public wear masks); [N.Y. Exec. Order No. 202.34](#) (28 May 2020) (allowing any business operator or owner to require any individual to wear a mask); [N.J. Exec. Order No. 122](#) (8 April 2020 (requiring that workers and customers of essential businesses wear face masks). See generally Allen Kim et al., [These Are the States Requiring People to Wear Masks When Out in Public](#), CNN (17 August 2020).

¹¹⁹ [N.Y. Exec. Order No. 202.16 \(12 April 2020\)](#) (mandating that employees at all essential businesses be provided and wear face coverings when in direct contact with the public); [Ga. Exec. Order No. 04.02.20.01](#) (2 April 2020) (requiring that critical infrastructure employers provide personal protective equipment to workers as available); [N.J. Exec. Order No. 122](#) [<https://perma.cc/V44B-JJXP>] (ordering that businesses provide, at their expense, face coverings and gloves for employees when in contact with customers or goods); [R.I. Exec. Order No. 20-24](#) (14 April 2020) (mandating that all businesses provide face coverings at their expense).

66. Many workers have remained at the front lines of the pandemic, ensuring that the public's basic needs are met. Medical and health workers, including doctors, nursing personnel, ambulance personnel and other first responders, have been at the forefront in responding to the pandemic. In so doing, they have faced significant occupational health risks. Domestic workers and care providers have also been particularly vulnerable to exposure to COVID-19, and have often lacked adequate access to PPE, or to health services or social protection in the event of infection.

67. Meat processing plants (for beef and poultry in particular) have been greatly affected by the pandemic, with many of its workers testing positive. The situation was critical in several countries. The reasons for this particular situation were in most cases attributed to: just-in-time production; inadequate health and safety measures; a vulnerable workforce (migrant workers with little understanding of their labour rights, low pay and poor working conditions, including in some cases, poor housing); and regulatory oversight.¹²⁰ In some cases, governments were forced to taken strict control measures to ensure better protection of these workers and of the public in general.¹²¹

68. Some governments provided information concerning the general measures they are taking to improve occupational safety and health at work.

Trinidad and Tobago – In its report, the Government indicates that the Occupational Safety and Health Agency is currently revising several regulations concerning: Lifting Operation and Lifting Equipment Regulations (“LOLER”); Provision and Use of Work Equipment Regulations (“PUWER”); Welfare Regulations; Safety of Pressure Systems Regulations; Gas Safety (Use, Conveyance and Storage) Regulations (“GSR”); Blasting and Use of Explosives Regulations; Control of Substances Hazardous to Health (“COSHH”); Personal Protection and Equipment Regulations (“PPE”); Working from Heights Regulations; Manual Handling Regulations; Maternity Regulation Reporting of Injuries Diseases and Dangerous Occurrences (“RIDDOR”) Regulations.

(ii) The need to ensure that workers enjoy adequate social protection

Republic of Korea – The Government has released the “Korean New Deal Initiative”, expanding the social safety net and pushing for a paradigm shift to cope with the economic recession caused by the COVID-19 pandemic. The initiative consists of the following elements: building a universal employment safety net (employment insurance and industrial accident compensation insurance); ensuring livelihoods and employment stability for those not covered by employment insurance (national employment support system); support new labour market entry and transitions; improve workplace safety and encourage innovation in the workplace.

¹²⁰ See the Centre for Evidence-Based Medicine, Oxford, [COVID-19 in meat and poultry facilities: a rapid review and lay media analysis](#), 4 June 2020. Cases were recorded in *Australia, Canada, Germany, Ireland, the Netherlands and the United States*, for example. See also Dutch News.nl, [Dutch meat processing plant closed as 45 workers test positive for COVID-19](#) and Centers for Disease Control and Prevention, [COVID-19 among workers in meat and poultry processing facilities- 19 States](#), April 2020.

¹²¹ For example, in *Germany*, measures were taken to limit the use of subcontractors in meat processing. As of January 2021, slaughtering animals and processing the meat will only be permitted for the employees in the industry. Werkverträge (a form of subcontracting) will be banned in the meat industry.

Part II

The employment relationship

69. The COVID-19 pandemic is accentuating uncertainties that already existed in many countries in relation to the determination of whether or not a worker is in fact in an employment relationship. Given the impact of the pandemic on the structure and organization of work, a number of legal issues are emerging with regard to contractual obligations and labour law.

70. As the Committee noted in Chapter 2 of its 2020 General Survey on the application of Recommendation No. 198, it is the existence of an employment relationship that gives rise to reciprocal rights and obligations between the employer and the employee and it is primarily through the vehicle of this relationship that a worker may secure access to employment-related rights and benefits.¹²² The pandemic has drastically changed the situation in labour markets across the world in various respects. In addition to the lockdown measures that have stopped work and production, other measures intended to increase flexibility and adaptability to the crisis are affecting the working conditions of millions, in many cases modifying the employment relationship. For example, due to a decline in business, an employer may seek out of necessity to move a worker from full- to part-time work, albeit temporarily, with a corresponding loss of income for the worker.

71. Reductions in working hours and wages may be related to situations in which workers are required to share the same job, or where companies decide to share workers. Such measures have been taken by employers to overcome unprecedented challenges, ensure the continued viability of their businesses and retain their workers. Nonetheless, the measures may not be sufficient to achieve their objectives, or employers and workers may not be able to reach agreement on the actions to be taken. In such cases, enterprises may have no other option than to lay off or terminate the employment of workers, even though that will mean that they face greater difficulties in resuming operations once they are able to do so. One difficulty is the potentially significant loss of skilled and experienced workers who, faced with a loss of income, may find employment in other less affected sectors or occupations and no longer wish to return once circumstances permit.

72. The Committee observes that flexibility will no doubt be needed to ensure sustainable recovery; however, the challenge lies in ensuring that flexibility measures do not erode existing decent working conditions or contribute to increased informalization of the world of work. Moreover, while the pandemic has significantly changed the nature and organization of work for millions of workers, these effects have been greater for certain workers, primarily for those whose employment status is not clear, who are in alternative working arrangements, or who belong to one or more groups that are vulnerable to exclusion and discrimination in employment.

73. This Part of the Addendum therefore examines whether and to what extent the various elements of the employment relationship addressed in the 2020 General Survey have been affected by the pandemic and the urgent measures taken to prevent the spread of the virus.

¹²² Para. 157.

► 1. Ensuring the legal protection applicable to all appropriate contractual arrangements within the context of COVID-19

Force majeure and state of necessity

74. During the pandemic, enterprises and employers have in general experienced substantial disruptions of business and operations, including the closure of workplaces and ports, disruptions to supply and distribution chains, a shortage of labour and a considerable decline in demand. These disruptions may also have an impact on employment contracts. Employers may be forced to make difficult decisions concerning hiring, lay-offs, furlough and the payment of compensation.¹²³ In many countries, governments and social partners have considered the impact of the pandemic to be a situation in which force majeure could be invoked. The concept of force majeure is derived from Romano-Germanic law and is an implied legal doctrine in many legal systems, including in the civil and common law systems. The concept of force majeure¹²⁴ translates roughly as “a superior force” and refers to the occurrence of an event that is outside the reasonable control of the parties. Force majeure may apply to a situation that effectively prevents one party from performing obligations under a contract. The ability to claim the existence of force majeure depends on the applicable law and the wording of the force majeure clause itself.

75. While force majeure was initially referred to in commercial and civil contracts, many labour laws and codes now also explicitly envisage the possibility that force majeure may prevent the performance of a labour contract. The law may provide for the suspension or termination of the contract or for the suspension or modification of certain of its conditions.¹²⁵ Both employment contracts and collective agreements may contain clauses concerning situations of force majeure.¹²⁶ When such provision is made in the contract, it is easier to evaluate changes in the relationship during the occurrence of the event or situation that constitutes force majeure. However, it is often difficult to examine the circumstances in which force majeure occurs. For example, in the context of the pandemic, a situation of force majeure may arise out of the pandemic itself, or from the measures taken by a government to limit and mitigate its effects. This can occur in any form of employment relationship or work arrangement, and may affect employers and employees, as well as self-employed workers. Force majeure may be invoked in cases where, due to events, the performance of the contract has become extremely difficult, or impossible. One or both parties may seek to modify the terms of the contract to adapt them to the changed circumstances. If modification is impossible, then the party may request to be relieved of its obligations under one or more clauses of the contract, or for the contract as a whole to be rescinded due to the impossibility of its performance.

¹²³ Peter A. Steinmeyer and Amy Bharj, “[You Are Excused: Force Majeure and the Workplace in the COVID-19 Era](#)”, *The National Law Review*, 31 March 2020.

¹²⁴ Also sometimes referred to as “vis major” or “Act of God”, referring to a “loss that results immediately from a natural cause without the intervention of man, and which could not have been prevented by the exercise of prudence, diligence and care”, *Black’s Law Dictionary*, fifth ed., 1981. The International Law Commission defines force majeure as “the occurrence of an irresistible force or of an unforeseen event, beyond the control of the State, making it materially impossible in the circumstances to perform the obligation” and which excuses non-compliance with an obligation. These circumstances “do not annul or terminate the obligation; rather they provide a justification or excuse for non-performance while the circumstance in question subsists” and entail that compliance must resume as “soon as the factors causing and justifying the non-performance are no longer present”. United Nations, *Yearbook of the International Law Commission*, 2001, 71.

¹²⁵ For example: *Cambodia* (Labour Law, section 71 “act of God”), *Colombia* (Substantive Labour Code, section 51 et al.), *Costa Rica* (Labour Code, section 74(b)), *Ecuador* (Labour Code, section 169) and *France* (Labour Code, sections L1234-12 and 13).

¹²⁶ Defined generally as an event that is unforeseeable, unavoidable and impossible to overcome, although the definition may differ in national legislation. Moreover, circumstances differ and cases of pandemic or epidemics may often be excluded. Furthermore, the national law in each country specifies the requirements to effectively claim force majeure as a justification for non-performance.

Spain – Section 22 of Royal Legislative Decree No. 8/2020 defines temporary force majeure due to COVID-19¹²⁷ as those suspensions and reductions in working hours that have their direct cause in losses of activity caused by COVID-19, including the declaration of the state of alert, which imply the suspension or cancellation of activities, the temporary closure of premises open to the public, restrictions on public transport and, in general, on the mobility of people and/or goods, lack of supplies that seriously impede the ordinary performance of the activity, or in urgent and extraordinary situations resulting from the infection of the workforce or the adoption of preventive isolation measures ordered by the health authority, which are duly accredited.

Section 2 of Royal Legislative Decree No. 9/2020 of 27 March provides that force majeure may not be understood as justification for dismissal or termination of employment.

76. In many countries, the national authorities first declared a “state of necessity” or public health emergency,¹²⁸ subsequently declaring an economic and social emergency due to COVID-19.¹²⁹ This is manifested by the imposition of various measures on the basis of national security and public health. The Committee recalls that, while limitations on rights and freedoms are understandable to a large extent, they still need to comply with various parameters of international law, particularly the principle of legality so that those constraints must not be arbitrary and must be based on law; the principle of necessity requiring the Executive branch to prove that limitations are genuinely necessary according to the circumstances; and the principle of proportionality positing the need to test constraining measures as proportionate to the risks and exigencies of the situation. The Committee observes that checks and balances are being eroded in several settings, with a slippery slide into abuse of power, impacting upon constitutional rights under the international rule of law.

Guatemala – Ministerial Decision No. 140-2020 provides in section 1 that the public state of calamity declared by the President constitutes force majeure and therefore has the effect of temporarily suspending employment contracts pursuant to section 65 of the Labour Code. The suspension may be individual or collective, total or partial. The Decision calls on the social partners to reach agreement on the terms and conditions of the suspension.¹³⁰

77. The Committee notes that the authorities in a number of countries have explicitly declared that the COVID-19 pandemic constitutes a situation of force majeure. The consequences of the acceptance of a situation of force majeure also vary according to national law and the specific circumstances of each case. Generally, the result is that a change in the employment relationship is considered not to be attributable to any of the parties to the contract and that, therefore, it should not give rise to sanctions or damages. In practice, in the great majority of

¹²⁷ As provided in sections 47.3 and 51.7 of the Workers’ Statute.

¹²⁸ It has been declared a health emergency, or a similar denomination, for example, in: *Brazil* (Legislative Decree No. 6 of 20 March 2020); *Chile* (Act No. 21227 on the protection of employment); *Colombia* (Decision No. 386 of 2020 of the Ministry of Health and Social Protection); *Liberia* (declaration of the health emergency by the Ministry of Health on 22 March 2020); *Peru* (Decreto Supremo No. 044-2020-PCM and Decreto Supremo No. 046-2020-PCM); and *Spain* ([Royal Decree No. 463/2020, of 14 March, declaring the state of alert](#)).

¹²⁹ For example: *Colombia* (Decree No. 417 of 17 March 2020); *El Salvador* (Legislative Decree No. 593 of 2020); and *Luxembourg* (the Grand Ducal Regulation of 18 March 2020 declaring a state of emergency).

¹³⁰ *Guatemala*, Ministry of Labour and Social Welfare, [Ministerial Decision No. 140-2020](#), of 23 March 2020.

cases, it is incumbent on the courts or the labour authority to determine on a case-by-case basis whether or not the exceptional circumstances have prevented the performance of the contract.¹³¹ In some cases, in view of the profound and widespread impact of the pandemic, the mere invocation of force majeure is sufficient to be able to claim unemployment protection.

Belgium – Any temporary unemployment as a result of the pandemic may be deemed to constitute temporary unemployment due to force majeure. The procedures for claiming unemployment benefit have been simplified.¹³²

78. One country has explicitly stipulated that any dismissal, either individual or collective, must be subject to specific authorization by the national authority, including in cases considered to be covered by force majeure.¹³³

79. Other countries have, however, taken a different approach, adopting measures to prevent the application of the doctrine of force majeure, even where it is provided for in labour law, primarily with a view to avoiding massive redundancies and lay-offs that could deeply affect the national labour market and economy.¹³⁴ In other instances, the right to claim force majeure as a justification for collective dismissal has been limited to extreme cases involving the closure of the enterprise.

Ecuador – The Humanitarian Support Act contains an interpretative clause providing that section 169.6 of the Labour Code on impossibility of performance due to force majeure may only be invoked in the event of the total and definitive closure of the enterprise. The force majeure claim must be based on the fact that the work cannot be carried out by any means, including telework.

Netherlands – Workers who are isolating and cannot work from home may be covered by short-time work schemes introduced in situations of force majeure.¹³⁵

¹³¹ For example: *Spain* (Royal Legislative Decree No. 8/2020, section 22(2)(b)).

¹³² *Belgium*, National Employment Office, “[Chômage temporaire à la suite de l’épidémie de CORONAVIRUS COVID-19 – Simplification de la procédure](#)”, 20 March 2020.

¹³³ For example: *Argentina*.

¹³⁴ For example, *Costa Rica* (Act 21227 of 2020, section 26 prohibits the dismissal of workers based on force majeure, at least for six months after the declaration of the State of Catastrophe); *Peru*.

¹³⁵ OECD, OECD Policy Responses to Coronavirus (COVID-19), “[Supporting people and companies to deal with the COVID-19 virus: Options for an immediate employment and social-policy response](#)”, updated on 20 March 2020.

► 2. A modified employment relationship

80. A range of measures have been envisaged or implemented at the national level by governments and enterprises to cope with the adverse economic effects of the pandemic and reduce job uncertainty and the risk of dismissal. The first and most evident measure that prevents fulfilment of the labour contract is lockdown. If an activity is not considered essential, employers have not been allowed to open the workplace and workers have been unable to go to work. However, many such measures have had a direct impact on the employment relationship and the rights of workers. The measures that are proposed in some cases, and imposed in others, have the clear objective of avoiding individual and collective dismissals.

Colombia – Circular No. 22 issued by the Ministry of Labour in March 2020 indicates that the various measures made available to employers are intended to help them address difficulties. It calls on employers to maintain solidarity and support for workers and their families during the pandemic, irrespective of their contractual status, by exploring such measures as: working from home (teleworking); flexible working hours; accumulated, early and collective holidays; paid leave; and the payment of wages during periods when workers are unable to work during the crisis.

81. Some jobs can be broken down into separate tasks that can be measured easily and performed anywhere, thereby expanding the range of jobs suitable for telework. Many jobs can be standardized and, with the help of digitalization and artificial intelligence, performed very efficiently at home. For example, accounting, insurance and call-centre work are some of the many functions that can now be carried out at home. Limited and agreed means of communication, control and monitoring can help to improve productivity and the quality of the services provided.

The *IOE* highlights that a more agile and flexible working environment can also bring about productivity growth. Measuring employee performance less on the number of hours worked each day, and more on achieving key deliverables or performance indicators is proving to be not just popular both with business and employees but a critical contributor to rises in productivity.

82. To ensure productivity, some enterprises and public institutions have shifted the focus from measuring the hours worked to the achievement of objectives or the measurement of performance indicators.¹³⁶ Nevertheless, the Committee highlights the importance of ensuring that those performance indicators and productivity objectives do not result in the deterioration of working conditions, in particular in the imposition of excessive working hours.

(a) Suspension of the employment relationship

83. In some countries, the measures adopted include the temporary suspension of the effects of labour contracts. In such instances, careful attention should be given to the legal consequences of these suspensions. In some cases, the mere declaration of a state of emergency or necessity allows the employer to suspend employment contracts. In such cases, workers do not in principle receive their wages or, in some cases, their wages are covered by specific COVID funds established by governments or by unemployment benefit.¹³⁷

¹³⁶ Michael Schrage, “[Rethinking Performance Management for Post-Pandemic Success](#)”, *MIT Sloan Management Review*, 1 June 2020; Mdwaba Mthunzi, “[What the pandemic has taught us about labour productivity](#)”, International Organisation of Employers, 22 June 2020.

¹³⁷ For example, *Chile*, under Act No. 21227 on the protection of employment, for the suspension to start, with the workers affected having access to benefits, the local authority has to declare a health emergency.

Brazil – Act No. 14020 of 6 July 2020 provides, in section 8, that, during the state of public emergency, employers may negotiate the temporary suspension of the employment contracts of their employees at the sectoral or departmental levels, partially or wholly, for a maximum of 60 days. During the period of temporary suspension of the employment relationship, the employee is entitled to all benefits provided by the employer to employees and is authorized to contribute to the General Social Security Scheme as an optional insured worker. The employment agreement must be re-established within two days of the termination of the state of public emergency, the end of the agreed suspension period, or the date of the notification of the employee by the employer of the decision to bring forward the end of the agreed suspension period.

Costa Rica – Decree No. 42248 of the Ministry of Labour issues regulations governing the procedure for the temporary suspension of labour contracts due to force majeure and fortuitous events, as provided for in section 74(a) and (b) of the Labour Code. Applications for the temporary suspension of employment contracts have to be made to the labour inspectorate, indicating the period for which the contract will be suspended and the workers affected.

(b) Suspension of acquired contractual rights

84. In some countries, the measures adopted to cope with the crisis unilaterally reduced or suspended workers' acquired contractual rights. For example, in some instances, where the employee was unable to work as a result of lockdown, and the worker was neither ill nor infected with the virus, the employer unilaterally required the worker to use his or her annual leave.¹³⁸ In other countries, employers have treated days on which the enterprise was closed and its employees could not work due to lockdown as *de facto* leave days.

In *Australia*, the Fair Work Commission has adopted a number of awards that allow employees to take annual leave at half pay to mitigate the impact of coronavirus the pandemic on the businesses that employ them. Employees are allowed to take twice as much annual leave at half their normal pay, if the employer agrees.¹³⁹

Republic of Korea – The Government has increased the amount of the 'Employment Retention Subsidy' for employers who have taken employment retention measures, such as temporary shutdown or placed workers on unpaid leave. From 1 July 2020, the Government has adopted the "Swift Support Program (SSP) for unpaid leave of absence". The SSP shortens the requirement for employers to cover 3 months of paid shutdown, reducing this period to one month before the subsidy of 500,000 won (USD\$ 454,000) per month will kick in. On the other hand, the SSP also halves the period during which the workers placed on unpaid leave will receive their wages from the subsidy, reducing this benefit from 180 days to 90 days.

¹³⁸ For example, in *Poland*, employers can impose annual leave entitlements to be used. There is also a limit on the amount of severance pay, and non-competition arrangements that require the employer to provide compensation can be unilaterally terminated by the latter (see [EU, Flash Reports on Labour Law June 2020 Summary and country reports](#)). Cases were recorded in the *United Kingdom* (https://www.huffingtonpost.co.uk/entry/coronavirus-holiday-annual-leave-workers_). On the other hand, in *Australia*, the Fair Work Ombudsman clearly explains that COVID is not a reason to impose annual leave on employees. See "[Direction to Take Annual Leave during a Shutdown](#)".

¹³⁹ See *Australia*, Fair Work Ombudsman, "[Annual leave](#)", updated 14 August 2020. Similarly, in *Saudi Arabia*, para. 1B of section 41(1B) of Ministerial Resolution No. 142906 dated 13.8.1441(H) of 6 April 2020 provides that employers have the right to grant annual leave to employees. Employees cannot refuse to take leave on the dates set by the employer. This leave is paid.

► 3. The employment relationship and alternative working arrangements during the pandemic

85. In its 2020 General Survey, the Committee examined the use of various types of contractual arrangements that are distinguishable from “regular” open ended, full-time contracts between workers and a single employer. It explored the issue of temporary work, including fixed-term, project or task-based contracts, as well as seasonal or casual work. It also examined part-time work, in particular the situation of on-call and zero-hour contracts. The Committee also delved into multi-party employment relationships including temporary agency work and subcontracting as well as new forms of organization of work such as platform work.¹⁴⁰

The *IOE* considers that, as the health and lockdown measures are still in place, the world will see an even bigger differentiation between diverse forms of work. Employment instruments should not legislate against these changes but instead make full opportunity of these developments and facilitate access to all forms of work to accelerate quick COVID-19 recovery, increase employment creation and income generation opportunities, and maximize full productivity of the labour workforce. COVID-19 revealed the weaknesses of the existing social protection systems in place in both developed and developing countries, as they are no longer fit for purpose in the current labour market and new forms of employment relationships. Employment policies need to promote sustainable social protection systems that guarantee a minimum living income for all. The *ILO Recommendation 202*, discussed in last year’s General Survey is of particular relevance, especially given that there was a global tripartite consensus that the social protection floors be implemented according to national realities.

The Korea Employers Federation (KEF) expresses its concern about the growing tendency for an employment relationship to be determined by a third party such as the government and courts, rather than employers and employees themselves.

86. In this context, the Committee wishes to recall the principles and guidance provided by Recommendation No. 198, which stipulates that the determination of the existence of an employment relationship should be guided primarily by the facts relating to the performance of work and the remuneration of the worker, notwithstanding the manner in which the relationship is characterized in any arrangement, contractual or otherwise, that may have been agreed between the parties. The Recommendation provides explicitly that the settlement of disputes concerning the existence and terms of an employment relationship should be a matter for industrial or other tribunals or arbitration authorities to which workers and employers have effective access in accordance with national law and practice.¹⁴¹

Slovenia – In its report, the Government indicates that the Ministry of Labour, Family, Social Affairs and Equal Opportunities has undertaken the co-financing of the project “MAPA” (Multidisciplinary analysis of precarious work: legal, economic, social and healthcare aspects). This multidisciplinary project aims at achieving a synthesis in the definition of the concept of precarious work and reduce the negative effects of these forms of work to ensure better working conditions.

¹⁴⁰ See 2020 General Survey, paragraphs 273 to 326.

¹⁴¹ Paragraphs 9 and 14 of Recommendation No. 198.

Netherlands – In its report, the Government indicates that on 22 June 2020, the [Temporary Bridging Measure for Flex Workers](#) (TOFA) was introduced for flex workers that have been laid off after 1 March 2020 due to the Coronavirus crisis, with a substantial loss of income (more than 50 per cent in April compared to February and who cannot claim other benefits). The scheme consists of a one-off payment of €1,650 in total for the period of March, April and May 2020.

(a) Temporary work

87. The situation of workers with temporary contracts is clearly more precarious than that of permanent employees, and in the context of the pandemic they have been the first to be dismissed. Moreover, their employment status means that they are not eligible for the same benefits and protection as permanent workers.

Brazil – The Government indicates in its report that Law No. 13,429 of 2017 strengthens protections for temporary employees.

The *BDA* indicates that flexible forms of employment often help enterprises to create new jobs for the first time, tailors work volumes to individual needs and reduces obstacles to employment growth. They are a way to provide employment for low-skilled workers. Flexible forms of work, including part-time work, also reflect employees' ambitions and circumstances.

The *FNV* and the *CNV* from the Netherlands highlighted that "The large number of workers with flexible contracts (temporary agency workers and workers with a fixed term contract) who have lost their jobs due to the COVID-19 crisis are usually the workers with a limited duration of their unemployment insurance (WW). This means that for a large number of workers who lost their jobs during the first two months of the crisis, the insurance period has expired, since it is only three months for workers who do not have a long employment history."

88. In some countries, measures have been taken to ensure that benefits are extended to this category of workers.¹⁴² In other countries, limits on the maximum duration of temporary contracts have been suspended during the emergency to protect employment and prevent job destruction.

¹⁴² For example, in *Germany*, the possibility of short-time working has been extended to temporary agency workers. In *Spain*, employees can receive support irrespective of the period for which they have paid unemployment insurance contributions. See European Parliament, "At a glance: European added value in action, [EU-27 support for national short-time work schemes](#)", April 2020. Similarly, in *Switzerland*, the Federal Council decided on 21 March 2020 that temporary agency workers (*intérimaires*) could also have access to partial unemployment benefit. *Brazil* indicates in its report that, according to the labour law (CLT) "Whenever one or more companies, even when each one of them has its own legal personality, is/are under the direction, control or administration of another company, or even when each one preserves its autonomy while being part of an economic group, they shall be jointly liable for the employment relationship obligations".

Germany – All workers who pay social security contributions are entitled to short-time work allowances, including temporary agency workers and workers on fixed-term contracts. However, workers engaged in “mini jobs” are not covered, as they are exempt from social security contributions.

Spain – Under the terms of Royal Legislative Decrees Nos 9/2020 and 24/2020, the limits on the duration of temporary contracts were suspended until 30 September 2020.

United Kingdom – Workers with fixed-term contracts have been entitled to benefits under the Job Retention Scheme since 1 July 2020. Employers can bring back employees on reduced hours or any shift pattern, and still claim support for the hours not worked.¹⁴³

89. The economic and financial shocks caused by the sudden outbreak of COVID-19 and the ensuing lockdown have forced enterprises to reduce their operational expenditures, including labour costs. Workers with temporary contracts, including fixed-term and short-term contracts, tend to be the worst affected by economic downturns, as their contracts are more likely than those of permanent employees to be terminated or not renewed.¹⁴⁴

90. In some countries, measures have been adopted to facilitate the conclusion of temporary contracts during the pandemic as a means of mitigating the economic impact of the crisis on enterprises and at the same time reactivating the labour market. In particular, measures were adopted to enable the extension of fixed term contracts, in some cases for periods longer than the previous contract.

Ecuador – The Humanitarian Support Act provides, in section 19, for an “emergent special contract” for a fixed period (a maximum of one year, renewable once) to ensure the sustainability of production. Once the initial period has ended, the contract is considered to be permanent if it is extended.¹⁴⁵

Indonesia – On 5 October 2020, Indonesia’s Parliament passed the Omnibus Law (2020 Job Creation Law), introducing significant amendments in a range of areas, including on fixed-term employment. Previously, fixed-term employment contracts could only last up to two years and be extended once for up to one year. Then, after a one-month gap, these contracts could be renewed once for up to two more years. If these requirements were not followed, the contract would be deemed permanent.

The 2020 Job Creation Law removes all of these restrictions on the duration, extension and renewal of fixed-term employment contracts. However, the restrictions on the type of work for which fixed-term employment contracts may be used have generally been retained, but with some adjustments.

¹⁴³ Government of the *United Kingdom*, Coronavirus (COVID-19), Guidance and Support, “[Check if your employer can use the Coronavirus Job Retention Scheme](#)”, updated on 7 August 2020.

¹⁴⁴ For example, in *Switzerland*, in July 2020, between 80 and 90 per cent of workers in Swiss Romande and Ticino had been affected by the non-renewal or expiry of employment contracts. Nouvelle Agence Economique et Financière SA (AGEFI), “[Près de 20, 000 postes temporaires sont menacés en Suisse](#)”, 29 July 2020.

¹⁴⁵ *Ecuador*, [Ley Orgánica de Apoyo Humanitario](#), 19 June 2020.

Italy – Under the “Re-launch” Decree No. 34 of 19 May 2020, fixed-term contracts may be extended. By derogation from section 21 of Legislative Decree No. 81 of 15 June 2015, to promote the restart of activities, fixed-term employment contracts concluded prior to 23 February 2020 can be renewed or extended until 30 August 2020. Until 31 December 2020, it was possible to extend and renew fixed-term contracts once without the need for a justification. However, their extension must not exceed the 24-month limit, unless otherwise provided in a collective agreement.

(b) Part-time work, on-call work and zero-hours contracts

91. In many countries, recovery has translated into a rise in part-time work while the percentage of full-time employment has fallen below rates of full-time employment seen during previous crises such as in the economic and financial crisis of 2008.¹⁴⁶

92. As noted in the 2020 General Survey, on-call work is an increasingly common form of part-time work that consists of working-time arrangements involving highly variable and unpredictable hours of work. Zero-hours contracts are similar to on-call work in that they do not establish a fixed or guaranteed number of hours of work.¹⁴⁷

The *BDA* of Germany indicates that under German law, employers and employees agree on a specific number of hours during which the employer may call upon the employees, subject to the agreed or statutory time limits. Where the employer does not make a call during the on-call period, he/she nevertheless has a payment obligation.

United Kingdom – The self-employed income support scheme also covers workers with zero-hours contracts.¹⁴⁸ However, as indicated by the Trades Union Congress (TUC), many zero-hours contract workers do not earn enough to be eligible for sick pay. Workers on zero-hours contracts are entitled to statutory sick pay, but only if they have done at least some work for the company and have been ill for at least four days in a row, including on their days off. Such workers must also have earned an average of at least £118 a week before tax over the past eight weeks. These requirements mean that many workers on zero-hours contracts, despite their low income, nevertheless fall outside the scope of the income support scheme.

¹⁴⁶ See for example: Greg Jericho, “Australia’s Post-Covid Jobs Snapback is All About Part-Time Work”, *The Guardian*, 19 October 2020.

¹⁴⁷ Paras 290 and 291.

¹⁴⁸ <https://petition.parliament.uk/petitions/301328>.

(c) Platform work

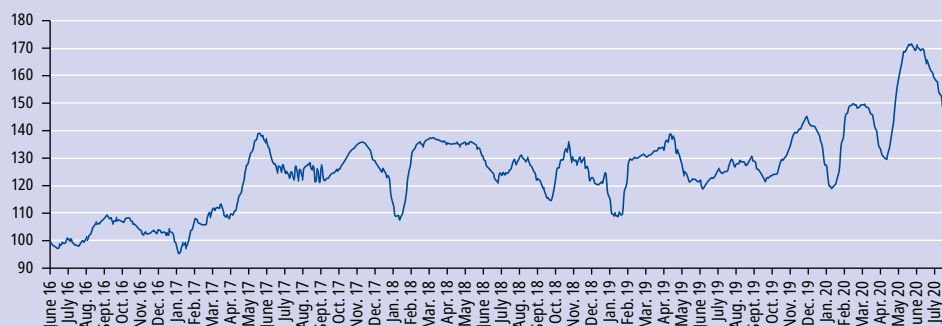
93. As the Committee noted in its 2020 General Survey, platform work has always involved an asymmetry of risk between the worker and the platform, with workers bearing most of the risk. These asymmetric relations have become more pronounced during the pandemic. Many platform workers have had to face the risk of losing their jobs, as well as the risk (and the serious potential consequences) of exposure to the virus and loss of income, while continuing to provide essential services for society.¹⁴⁹

94. During the early days of the pandemic, the question arose of whether these workers should continue working, with the response depending mainly on the sector concerned.

Demand for the services provided by digital labour platforms initially declined in March 2020, before picking up again by the end of April 2020. The decline during that period was quite steep compared with previous years, possibly because firms were postponing the outsourcing of work or projects due to the uncertain situation. It has been suggested that this decline may have been due to firms reducing non-essential costs, including outsourcing, due to declining revenue.¹⁵⁰

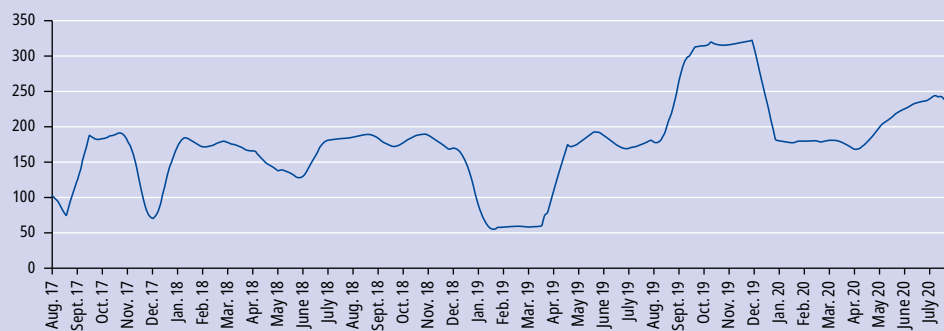
**Online labour demand and supply of labour
on major online labour platforms, 2016–20**

(a) Online labour demand (100 = 1 January)



¹⁴⁹ Funda Ustek-Spilda, Richard Heeks and Mark Graham, "Covid-19: Who will protect gig workers, if not platforms?", Social Europe, 28 May 2020.

¹⁵⁰ Stephany Fabian, Michael Dunn, Steven Sawyer and Vili Lehdonvirta, "Distancing Bonus or Downscaling Loss? The Changing Livelihood of US Online Workers in Times of COVID-19", *Tijdschrift voor economische en sociale geografie* 111(3), 28 June 2020.

(b) Online supply of labour (100 = 1 August)

Note: Data for online labour supply has only been collected since August 2017.

Source: Online Labour Index (OLI).

The supply of labour on digital platforms has been gradually increasing globally since 2017, with the largest increases from April to September 2019. There was a small dip in the supply of labour in March 2020, which may have been associated with the pandemic. However, from April 2020, the supply of labour on such platforms rose steadily until June, at a higher rate than in 2018 and 2019.¹⁵¹

95. In some cases, platform work was completely interrupted, as enterprises engaged in such areas as ride-hailing, domestic work and beautician services were forced to halt their operations. However, the situation was very different for delivery services, as demand grew under lockdown for home delivery. In many countries, this type of work was considered to be an essential service¹⁵² and was therefore authorized to continue.

96. For delivery workers, although they experienced a reduced risk of accidents due to less congested traffic conditions during lockdown, they faced an increased risk of infection without having access to PPE, social distancing measures, or even health care and social protection in the event of illness. At the same time, due to high demand, they were required to work longer and longer hours. In some countries, workers resorted to legal action and protests, expressing their urgent need for health and safety measures, including access to PPE and paid sick leave.¹⁵³

97. For those who could not work, questions arose regarding the type of income support, if any, to which they might be entitled, whether they had other sources of income and the type of protection to which they should be entitled in case of illness, or if the platform were to close down for reasons related to the pandemic.

¹⁵¹ ILO (2021), *World Economic and Social Outlook 2021: The role of digital labour platforms in transforming the world of work*, Geneva.

¹⁵² For example, *France and Italy*.

¹⁵³ For example, in *Brazil*, delivery drivers for UBER, Rappi and others protest amid pandemic, (see [Reuters, July 2020](#)) or in *China*, ([Couriers in China protest late wages during an e-commerce boom resulting from the Covid-19 pandemic](#)) See Jennifer Venis, "[Covid-19: Pandemic highlights holes in workers' rights](#)", International Bar Association, 7 May 2020.

98. As platform workers are considered by law in many countries to be self-employed workers, they do not have the same entitlements as other workers to sick pay or sick leave, holiday pay, the minimum wage, unemployment insurance and other benefits.¹⁵⁴ Moreover, they are generally not eligible to apply for many of the support measures provided by governments during the pandemic. As emphasized by the European Parliament, the pandemic has highlighted the manner in which platform workers are systematically underemployed, underpaid, under-protected and lack basic social protection.¹⁵⁵ These workers are often concentrated in the informal economy. To stop working is not even an option for them, forcing them to assume the risk of continuing to work, even if they become ill, with the danger of transmitting the virus to others.

The *CUT* and the *CTC* refer to various draft laws aimed at establishing certain guarantees for persons who receive income through platforms, including: (i) Draft Law No. 085 of 2020, which regulates the hiring of persons by labour platforms and their contribution to the social security;¹⁵⁶ and (ii) Draft Law No. 221 of 2020, which establishes social guarantees for persons who generate income through the use of technological platforms.¹⁵⁷ The workers' organizations claim that such drafts, for which they were not consulted, consider workers as independent workers, despite the fact that in reality they depend economically on the platform company. Draft Law No. 085 of 2020 provides that workers are under a civil or commercial relationship and as such are covered by the special social security regime for independent workers. The *CUT* and the *CTC* also indicated that these workers are mainly Venezuelan migrants in an irregular situation and therefore cannot join the social security system. Furthermore, Draft Law No. 085 of 2020 makes the right of association of these workers dependent on the adoption of some regulations by the Ministry of Labour.

99. Some platforms had to adapt rapidly to a sharp fall in demand for their services. In response, many platforms began providing additional or alternative services.

Slovakia – Following the ban on taxis transporting people, a taxi platform began delivering meals.¹⁵⁸

¹⁵⁴ European Foundation for the Improvement of Living and Working Conditions (Eurofound), “Platform economy: Developments in the COVID-19 crisis”, 3 July 2020.

¹⁵⁵ European Parliament, Parliamentary questions, “Platform work in the context of the Covid-19 crisis”, Kim Van Sparrentak, Leila Chailbi and Petra De Sutter, 6 April 2020; J. Venis, “Covid-19: Pandemic highlights holes”. In the Republic of Korea, delivery workers have been facing an increase of work pushing them to extreme fatigue and even death by overwork (14 cases have been denounced) <https://www.bbc.com/news/world-asia-54775719>.

¹⁵⁶ <http://leyes.senado.gov.co/proyectos/index.php/textos-radicados-senado/p-ley-2020-2021/1866-proyecto-de-ley-085-de-2020>.

¹⁵⁷ <http://leyes.senado.gov.co/proyectos/images/documentos/Textos%20Radicados/proyectos%20de%20ley/2020%20-%202021/PL%20221-20%20Plataformas%20Tecnologicas.pdf>.

¹⁵⁸ Eurofound, “Platform economy”; and *The Slovak Spectator*, “Alternative taxi services deliver food instead of people”, 2 April 2020.

100. A range of initiatives have been implemented in the platform economy to address certain of these issues, and there has been some recognition of the importance of the services provided by delivery workers during the pandemic.

101. Declines in demand have in some instances resulted in a reduction in the number of platform workers.¹⁵⁹ In some cases, enterprises have decided to provide platform workers with some form of income support (additional months or weeks of payment). Some platforms have applied for government assistance to avoid dismissals and help them manage their operational costs.¹⁶⁰ In other instances, measures taken to support self-employed workers have been extended to cover platform workers.

Denmark – A temporary compensation scheme for the self-employed has been introduced that also covers platform workers.

United Kingdom – The self-employed income support scheme has been made accessible to platform workers, who may apply to receive a grant of 80 per cent of their average monthly earnings over the past three years, up to a maximum of £2,500 a month. Recipients of the grant can continue to work.

102. Governments have taken measures to inform enterprises, workers and clients in retail food stores, restaurants and pick-up and delivery services of the practices to be followed during the pandemic to protect workers and clients.

United States – The Food and Drug Administration (FDA) has issued information on best practices for employee health, cleaning and sanitizing, as well as on the correct use of PPE.¹⁶¹

103. Many platforms have provided information to workers on how to protect themselves and make deliveries safely. In some cases, platforms indicate on their websites that they have provided or reimbursed the cost of PPE to workers.¹⁶² The pandemic has also pushed many platform enterprises to explore the possibility of moving towards automation, with certain delivery platforms testing the use of robots to carry out delivery services so as to reduce reliance on human workers during the pandemic.¹⁶³

¹⁵⁹ See, for example, James Cook, “[Deliveroo to axe over 300 staff as virus hits demand](#)”, *The Telegraph*, 28 April 2020.

¹⁶⁰ For example, financial support for up to 14 days for drivers or delivery workers who test positive with COVID-19 or are required to isolate by a public health authority. Uber, “[Notre approche face au COVID-19](#)”.

¹⁶¹ FDA, “[Best practices for retail food stores, restaurants, and food pick-up/delivery services during the COVID-19 pandemic](#)”.

¹⁶² Uber, “[Notre approche](#)”. See also *Switzerland*, Republic and Canton of Geneva, “[COVID-19: économie et emploi](#)”, updated on 17 September 2020.

¹⁶³ See, for example, the Rappi delivery enterprise in *Colombia*. Mary Meisenzahl, “[Softbank-backed delivery startup Rappi is testing out robots for contactless delivery – take a look](#)”, *Business Insider*, 9 May 2020.

India – The Code on Social Security, 2020 (No. 36 of 2020), provides a definition of “gig worker” (“a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship”) and “platform work” (“a work arrangement outside of a traditional employer-employee relationship in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services or any such other activities which may be notified by the Central Government, in exchange for payment”). The Code is intended to make social protection schemes available to both gig and platform workers.¹⁶⁴

104. These issues are currently being reviewed in a number of countries, and courts in several countries have issued decisions holding that riders and even crowdworkers are in fact employees.¹⁶⁵

The European Commission has launched a process to address this issue of collective bargaining for self-employed. The initiative seeks to ensure that working conditions can be improved through collective agreements not only for employees but also for those self-employed who need protection.¹⁶⁶ This concerns in particular platform workers, many of which are considered as self-employed workers.

¹⁶⁴ *India*, [The Code on Social Security, 2020](#) (No. 36 of 2020).

¹⁶⁵ For example, the Geneva State Council in *Switzerland* has ordered Uber to classify workers as employees and ensure adequate social protection for them. Similarly, the Administrative Tribunal found that the enterprise Uber Eats is an employer and as such should apply the Labour Code and the collective agreement in the sector. In the *United States*, a court in California ruled in August 2020 that Uber and Lyft are not required to immediately reclassify their drivers as employees rather than independent contractors, which allows the ride-hailing services to continue operating in the state after they had threatened to pull out while the appeals court considers the question of driver status following the entry into force in January 2020 of California Assembly Bill 5 (AB5 law), which extends employee status to platform workers. Companies must use a three-pronged test to prove that workers are independent. See, in this regard, the 2020 General Survey, paras 306–327. Following the California legislative action, there has been a referendum in California in November 2020 which exempted Uber and Lyft from the new state law. In *Germany*, the Federal Labour Court ruled that the execution of micro-jobs by a crowdworker on the basis of a framework agreement concluded with a platform operator can result in the legal relationship qualifying as an employment relationship (Federal Labour Court. Ruling of 01.12.2020 – 9 AZR 102/20).

¹⁶⁶ European Commission, [“Competition: The European Commission launches a process to address the issue of collective bargaining for the self-employed”](#), Press release, 30 June 2020.

Part III

**Facilitating the transition
from the informal to the formal
economy in the context of COVID-19**

105. Substantial numbers of own-account workers, micro and small businesses, and workers in the informal economy, particularly in developing countries, have been extremely vulnerable to the economic and social shocks caused by the pandemic. The ILO estimates that some 1.6 billion informal economy workers, representing 76 per cent of informal employment world-wide, have so far been significantly affected by the lockdown measures, including many who were working in the hardest-hit sectors.¹⁶⁶

106. Informal economy workers have struggled during the crisis to earn an income sufficient to feed themselves and their families during the epidemic, especially as most of them cannot rely on income replacement or savings. For these women and men, choosing to stay home and not work often means losing their jobs and livelihoods.¹⁶⁷ Moreover, they generally have little or no access to health-care services and no income replacement in the event of illness or lockdowns that prevent them from carrying on their economic activities. Informal enterprises, which account for eight out of every ten enterprises globally, are facing a similar situation.

107. International labour standards provide a solid framework to guide interventions at all stages of the crisis. Of particular relevance to micro- and small enterprises and informal economy workers in the context of COVID-19 are the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), for the reasons set out below.¹⁶⁸

► 1. How have COVID-19 and related containment measures affected the informal economy?

(a) Impact across countries

108. ILO data suggests that workers in developing countries, especially those in the informal economy, have been affected to a greater extent than in past crises. The more limited opportunities for teleworking and the greater vulnerability of informal workers to lockdown measures appear to have exacerbated the effect of the downturn and created new labour market challenges in developing countries.¹⁶⁹

109. On the assumption that these workers do not have alternative sources of income, estimates from April 2020 predict that the lost earnings will result in an increase in the rate of relative poverty (defined as the proportion of workers with monthly earnings that fall below 50 per cent of the median earnings of the population) for informal workers and their families of almost 34 percentage points globally; more than 21 percentage points in upper-middle income countries; around 52 points in high-income countries; and 56 points among lower and low-income countries.¹⁷⁰

¹⁶⁶ ILO, “COVID-19 Crisis and the Informal Economy: Immediate Responses and Policy Challenges”, ILO brief, May 2020.

¹⁶⁷ ILO, “Covid-19 Crisis and the Informal Economy”.

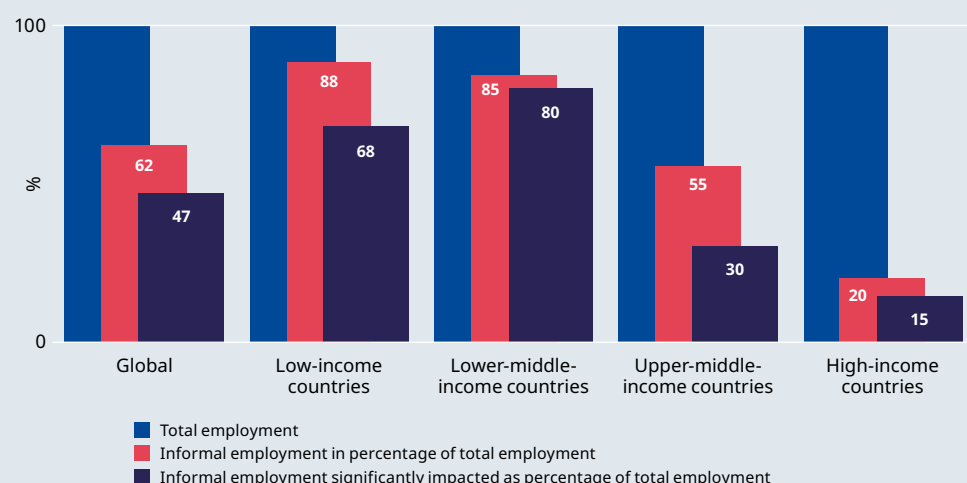
¹⁶⁸ The scope of application of the Recommendation is developed in paragraphs 358 and ss. of the 2020 General Survey. Furthermore, the ILO: [Guidelines concerning a statistical definition of informal employment](#), 17th ICLS, Geneva, 2003 as well as the ILO: [Resolution concerning the International Classification of Status in Employment](#), 15th ICLS, Geneva, 1993 and the ILO: [Resolution concerning statistics on work relationships](#), 20th ICLS, Geneva 10–19 October 2018 (ICLS/20/2018/ Resolution I) are useful in this respect.

¹⁶⁹ ILO, “ILO Monitor: COVID-19 and the World of Work – Fifth Edition – Updated Estimates and Analysis”, 30 June 2020.

¹⁷⁰ ILO, “COVID-19 Crisis and the Informal Economy”.

Figure 3.1

The situation of informal economy workers



(b) Impact on specific groups

110. As noted in Chapter III of the 2020 General Survey, specific groups who face particular challenges in accessing the formal labour market are typically concentrated in informal work.¹⁷¹ Recommendation No. 204 recognizes that decent work deficits, and particularly the denial of rights at work, the absence of sufficient opportunities for quality employment, inadequate social protection and the absence of social dialogue, are most pronounced in the informal economy.¹⁷² Its guiding principles highlight the need to pay special attention to those who are especially vulnerable to the most serious decent work deficits in the informal economy (Paragraph 7(i)). Similarly, the guiding principles set out in Recommendation No. 205 indicate that, in taking measures on employment and decent work in response to crisis situations arising from disasters, there is a need to pay special attention to population groups and individuals who have been made particularly vulnerable by the crisis. This section examines the situation of two specific vulnerable groups.

(i) Women

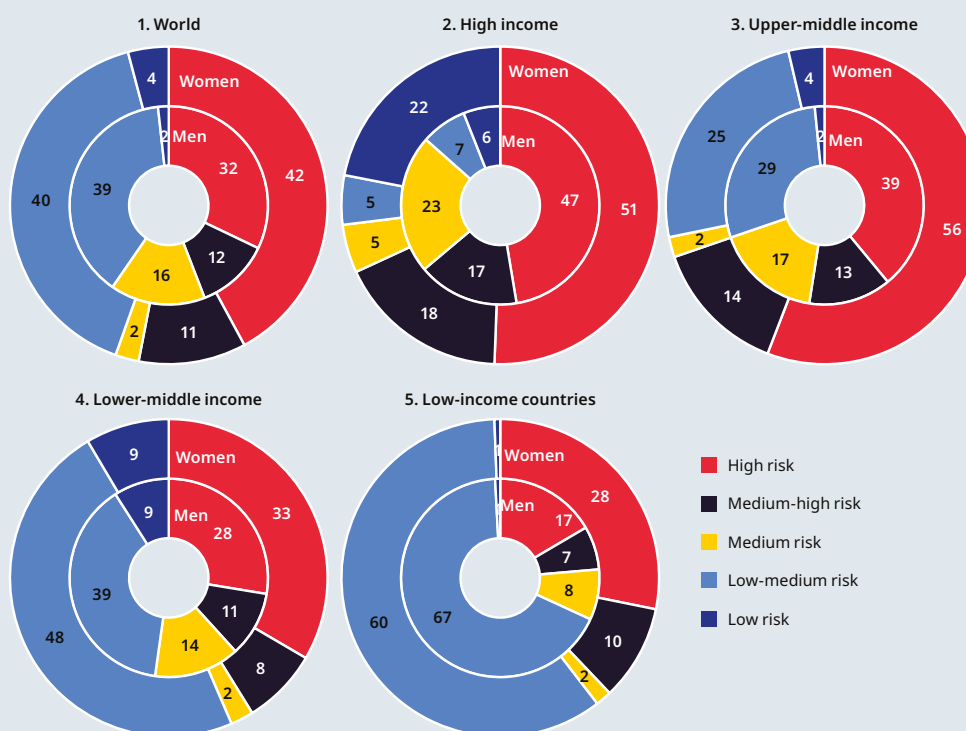
111. Women informal workers are over-represented in high-risk sectors. As of April 2020, the data indicates that 42 per cent of women in the informal economy were working in high-risk sectors, compared to 32 per cent of their male counterparts. Women are concentrated in sectors that are critically affected by the pandemic, such as services, hospitality (hotels and restaurants) and tourism. Moreover, the crisis has had a disproportionate impact on women and girls, who are also affected by economic activity moving into the domestic sphere, where they shoulder most of the burden of unpaid care work. This has meant that it has been more difficult for women to take advantage of some of the flexible work options that have been offered and adopted in response to the pandemic. Working from home, for example, has been even more difficult where the pandemic has also resulted in the closure of childcare centres and schools.

¹⁷¹ Paras 403 to 406.

¹⁷² Recommendation No. 204, third preambular paragraph.

Figure 3.2

**Gender differences in the impact of the crisis in the informal economy:
Women are over-represented in high-risk sectors**



(ii) Young persons

112. Globally, young people account for over four out of ten workers employed in the most affected sectors of the informal economy. Compounded by pandemic-related disruptions of access to education and training, this places young women and men at risk of becoming a “lockdown generation”, who will bear the impact of the crisis for years, and possibly for their entire working lives. Almost three quarters of young people work in the informal economy, a percentage that reveals the magnitude of the youth employment crisis in the context of the pandemic. This vulnerable group is largest in upper middle income countries, where 54 million informally employed young people were working in the worst affected sectors at the onset of the pandemic.¹⁷³

(c) Impact across economic sectors

113. The pandemic has affected different economic sectors in different ways. Sectors such as accommodation and food services, manufacturing, the wholesale and retail trade, and the millions of farmers producing food for urban markets, have been profoundly affected.¹⁷⁴ The resulting economic shocks are expected to lead to a large-scale restructuring of economic activity, which may in turn lead to the redeployment of informal (and formal) labour towards less severely affected economic sectors, or to demand-driven sectors that are likely to recover more quickly. The restructuring of production and supply chains could, however, increase frictional unemployment or result in further expansion of the informal economy.¹⁷⁵

¹⁷³ ILO, “ILO Monitor: COVID-19 And The World Of Work – Fourth Edition – Updated Estimates And Analysis”

¹⁷⁴ ILO, “Covid-19 Crisis and the Informal Economy”.

¹⁷⁵ ILO, “Covid-19 Crisis and the Informal Economy”.

► 2. The dilemma of lockdown: Choosing to work and risk infection, or to starve

114. Restrictions on movement during the lockdown, including the closure of markets, have left workers in the informal economy with little choice other than to starve or to defy preventive measures, with the risk of exposing themselves and their families to the virus. Many cannot work remotely from home; however, staying at home means losing their incomes.

115. However, the impact of the crisis has been uneven throughout the informal economy. Workers in different activities are exposed to different risks, with the most disadvantaged groups being also the most affected. Some have been forced to stop working, while others have continued their activities, but without adequate protection.

(a) Hard-to-reach groups

116. Unregistered and unrecognized, workers and enterprises in the informal economy are often difficult to reach, which means that they often do not receive the assistance that they need. The imposition of sanitary measures, the collection of taxes and the distribution of benefits in the informal economy always present challenges. Indeed, the exclusion of most informal workers from statistical data implies that the authorities do not have a reliable estimate of the number of people affected, their exact location or the level of their needs, which makes it difficult to target and deliver relief measures.¹⁷⁶ This is a particular challenge for national and local governments, who are seeking to mitigate the negative effects of the pandemic. MSMEs operating in the informal economy have also faced difficulties in gaining access to assistance packages during the crisis.¹⁷⁷

Viet Nam – Information from tax and utility bills is being used for the purpose of providing new cash transfers to informal households and self-employed workers who have been forced to close their businesses temporarily.¹⁷⁸

Zimbabwe – SMEs and other informal traders have been encouraged to register with their associations so that they can receive assistance during the lockdown.¹⁷⁹

117. Digital technology has proved to be an effective tool to identify or facilitate the self-identification of workers and enterprises in the informal economy so that they can have access to benefits. Nevertheless, information management systems are still inefficient in many countries, resulting in the exclusion of many people who are in need of assistance. Universal identity systems linked to socioeconomic data on households and individuals, combined with an effective mode of delivery, are crucial for the extension of coverage to as many people as possible.¹⁸⁰

Brazil – A mobile app has been developed and introduced to identify informal workers who are not on any official government register, but who are entitled to emergency assistance during the COVID-19 crisis.¹⁸¹

¹⁷⁶ Ghida Ismail, “Time to Rethink Street Vending: Lessons from Uganda”, Globaldev, 13 July 2020.

¹⁷⁷ UN, *Policy Brief: The World of Work and COVID-19*, June 2020.

¹⁷⁸ Era Dabla-Norris and Changyong Rhee, “A ‘New Deal’ for Informal Workers in Asia”, *IMFBlog* (blog), 30 April 2020.

¹⁷⁹ Nesia Mhaka, “Smes To Get Incentives”, *The Herald*, 8 April 2020.

¹⁸⁰ Federico Díez, Romain Duval, Chiara Maggi et al, “Options to Support the Incomes of Informal Workers during COVID-19”, IMF research, Special series on COVID-19, 20 May 2020, 5.

¹⁸¹ Ministry of the Economy, *Brazil*, “Trabalhadores informais já podem solicitar auxílio emergencial de R\$ 600 pelo aplicativo ou site da Caixa”, Notícias, April 2020; *O Globo*, “Aplicativo vai cadastrar trabalhadores informais com direito à ajuda de R\$ 600 por mês”, 3 April 2020.

118. In a number of countries, digital technologies are being used to facilitate the delivery of benefits, particularly where band and/or phone coverage is sufficiently broad.¹⁸² Benefit payments are being made via mobile phone in many developing countries.¹⁸³

Kazakhstan – The authorities have sent SMS messages to thousands of eligible citizens inviting them to provide the information needed to facilitate their transfers. This is deemed to be quicker and more efficient than sending cheques or leaving it to citizens to take the initiative to apply for assistance.¹⁸⁴

Malaysia – The supplemental PRIHATIN SME economic stimulus package adopted in April 2020 provides for a cash transfer to SMEs that is accessible online and via mobile phone.¹⁸⁵

Thailand – The Government has introduced a cash transfer of US\$153 for three months for up to 10 million farmers and 16 million workers not covered by the national social security system. The transfer is paid through cash-less digital payment platforms (Promptpay).¹⁸⁶

119. Digital payment methods are being widely used to prevent exposure to the virus by limiting the handling of cash. However, many benefit recipients still do not have digital bank accounts and/or access to mobile cash transfers. Together with restrictions on mobility, this makes it difficult for many informal workers to collect the income support. Alternative mechanisms are being used in some countries, such as pre-paid cards earmarked for essential purchases.

United States – The Government has provided 4 million “economic impact payments” authorized by the Coronavirus Aid, Relief, and Economic Security (CARES) Act in the form of prepaid debit cards.¹⁸⁷

¹⁸² See the case of *Togo* (NOVISSI) below.

¹⁸³ Francois Jurd de Girancourt et al., “[How the COVID-19 crisis may affect electronic payments in Africa](#)”, McKinsey & Company, June 2020.

¹⁸⁴ OECD, “[The COVID-19 Crisis in Kazakhstan](#)”, Tackling Coronavirus (COVID-19): Contributing to a global effort, 20 April 2020.

¹⁸⁵ Prime Minister’s Office of *Malaysia*. “[Additional PRIHATIN SME Economic Stimulus Package \(PRIHATIN+\)](#)”, Speeches, 6 April 2020.

¹⁸⁶ Dabla-Norris and Rhee. “A ‘New Deal’ for informal workers in Asia”.

¹⁸⁷ Internal Revenue Service, Economic Impact Payment Information Center, “[Mailed check payments may be sent as debit cards](#)”.

(b) The need for adequate occupational safety and health protection for informal workers

120. The vast majority of workers in the informal economy experience greater OSH risks, lack OSH protection and are more likely than workers in the formal economy to suffer work-related illness, accident or death. COVID-19 has compounded existing risks. Moreover, because workers in the informal economy have a pressing need to work, they are less likely to respect lockdowns and other containment measures, thereby impeding government efforts to protect public health and prevent transmission.

121. The specific risks associated with COVID-19 are exacerbated for informal economy workers by their living and working conditions. In urban areas, even if they stay at home, informal economy workers and their families are often still at greater risk due to overcrowded and unsanitary living conditions which make physical distancing nearly impossible. Lack of access to clean running water not only limits the possibility of hand-washing, but often means that women have to line up to collect water, endangering themselves, their families and communities. Governments are struggling to impose physical distancing and sanitary measures and to monitor virus infection among workers in the informal economy.

122. Informal economy workers, particularly in rural areas, often lack information about the virus, its symptoms and protection measures, such as social distancing. If they continue to work, they usually have no access to PPE or hand-washing stations. Physical distancing is frequently difficult, if not impossible for many informal workers, such as street and market vendors, domestic workers and home delivery workers. In some cities, specific measures have therefore been adopted to improve safety for informal workers, such as vendors.¹⁸⁸

123. Informal workers who carry out activities considered to be essential are also at high risk. Waste pickers, domestic workers and street vendors have continued to work, often at their peril, to ensure public access to food and basic services, and to maintain a clean and safe urban environment.¹⁸⁹

124. Waste pickers handle contaminated materials, while living and working in close proximity to others. Recognizing the essential service provided by these workers, some governments and NGOs have taken measures to raise awareness of their need for protection.¹⁹⁰ In turn, homeworkers, while accustomed to working at home, face competing users of their workplace. They share their dwellings with family members who have been confined with them in small living spaces that lack basic infrastructure. The majority of these workers are women, who have also had to take on increased household chores and childcare during lockdown.¹⁹¹

125. As noted previously, if they fall sick, most informal workers have little or no access to medical care, nor do they have income security in the form of sickness or employment injury benefit. If they are unable to access health care, the virus is likely to spread more widely. If they do have access to health care, many may incur out-of-pocket costs that could force them into debt or to sell their productive assets, plunging them into deeper poverty. In many cases, particularly in rural areas, health-care services are not available. The Committee stresses that increased inequality can therefore pose a significant threat to the public health.

¹⁸⁸ For example, in *Switzerland*, measures have been adopted in the city of Carouge to regulate the distribution of market stands. Ville de Carouge, "[Marchés de Carouge](#)".

¹⁸⁹ Women in Informal Employment: Globalizing and Organizing (WIEGO), "[Impact of Public Health Measures on Informal Workers Livelihoods and Health](#)". See also Part I.

¹⁹⁰ The Global Alliance of Waste Pickers has developed recommendations based on information from health experts and from waste picker organizations around the world ("[Recommendations for Waste Pickers regarding Coronavirus \(COVID-19\)](#)"). There have been similar national initiatives in many countries, such as *Mexico*, where the "[Los rifados de la Basura](#)" campaign has developed awareness-raising activities concerning the role of waste pickers and measures necessary to improve their protection. Similar campaigns are being carried out in *Brazil*, *Colombia*, *Ghana* and *India*: WIEGO, "[WASTE PICKERS: Essential Service Providers at High Risk](#)".

¹⁹¹ See Part IV.

(c) Access to workplaces and markets

126. Informal food markets play an essential role in ensuring food security in many countries, both as a source of food and as a place for smallholder farmers to sell their products.¹⁹² While food markets have been allowed to continue trading in some cities, in other cases complete bans have been imposed on vending, leading to a huge fall in the incomes of vendors. In some countries, vendors have taken to sleeping in markets and avoiding contact with their families so as not to infect them, thereby assuming greater risks for their own health and that of the public.¹⁹³

127. The authorities in some countries have taken measures to redesign street markets with a view to ensuring better and more secure conditions for both workers and their customers.¹⁹⁴

Italy – The municipality of Milan has developed “food aid systems” to compensate for the restrictive measures taken to limit the spread of the virus. The systems are mainly targeted at elderly and vulnerable people. A temporary food supply infrastructure has been created including: a logistical centre at the food bank; seven temporary food hubs with storage capacities; and vehicles and minibuses for food delivery. The system serves around 20,000 people and is coordinated at the municipal level. A map is available of food retail outlets at the neighbourhood level showing grocery shops offering home delivery service.¹⁹⁵

Peru – A mobile wholesale market service has been established to distribute food in the Lima Metropolitan area.¹⁹⁶

(d) Increased risk of child labour and debt bondage

128. Loss of income and deepening poverty could trigger a sharp rise in child labour and a fall in school enrolment rates, especially for young girls. The massive disruption to education caused by lockdown measures and the lack of distance-learning solutions in many countries could also drive an increase in child labour. Poor households may resort to child labour to cope with the job losses and health shocks associated with the pandemic.¹⁹⁷ Children from minority groups are more vulnerable to child labour. In the case of girls, the risks are aggravated by increased domestic chores and caring responsibilities.¹⁹⁸ The severe socio-economic effects of the pandemic, with a spike in unemployment prompted by lockdowns, have pushed many disadvantaged workers into an even more precarious situation and is likely to increase cases of forced labour. The impact is much harsher for those in the informal economy, as well as day labourers, temporary employees and all workers without social protection coverage.¹⁹⁹

¹⁹² WIEGO, “[Street Vendors: Essential Goods and Urgent Needs](#).”

¹⁹³ See, for example, *Uganda*. Pilar Balbuena and Caroline Skinner, “[For World’s Street Vendors, Life May Never be the Same after COVID-19](#)”, *WIEGO Blog* (blog), 7 June 2020.

¹⁹⁴ Sophie Davies, “[Architects Are Redesigning Cities to Help with Social Distancing](#)”, World Economic Forum (WEF), COVID-19, 12 June 2020.

¹⁹⁵ Cited in Food and Agriculture Organization of the United Nations (FAO), “[Urban Food Systems And COVID-19: The Role Of Cities And Local Governments In Responding To The Emergency](#)”, 9 April 2020.

¹⁹⁶ Municipalita of Lima, “[Mercado mayorista móvil se trasladó a Villa María del Triunfo y Ate](#)”, Noticias, 3 April 2020.

¹⁹⁷ For example, in *Côte d’Ivoire*, to assess the impact of the pandemic on child labour, the International Cocoa Initiative (ICI) analysed data from 263 local communities, in which 1,443 cocoa-growing households were visited under the ICI Child Labour Monitoring and Remediation System (CLMRS) between 17 March and 15 May 2020. The findings show that the percentage of children working was higher during this two-month period, at 19.4 per cent, compared with 16 per cent in the same months in the same communities in previous years, corresponding to a 21.5 per cent increase in child labour identification. ICI Analysis, “[Hazardous Child Labour in Côte d’Ivoire’s Cocoa Communities during COVID-19: Rapid Analysis of Data Collected during Partial Lockdown](#)”, July 2020.

¹⁹⁸ ILO, “[COVID-19 Impact on Child Labour and Forced Labour: The Response of the IPEC+ Flagship Programme](#)”, May 2020. See also: Business & Human Rights Resource Centre, “[Africa: Millions of African Children at Higher Risk of Child Labour due to Covid-19](#)”, 17 June 2020.

¹⁹⁹ UN News, “[UN rights expert urges States to step-up anti-slavery efforts to protect most vulnerable during COVID-19](#)”, 5 May 2020.

► 3. Looking for solutions

129. The crisis is expected to have long-lasting effects on the economy, with recovery likely to be slow and uneven. In view of the vulnerability of small enterprises and workers in the informal economy, the Committee urges governments to explore all options to finance support measures for informal economy actors and to provide adequate social protection. In this regard, the Committee highlights that, where relevant, many of the economic, financial and social measures suggested in Part I may also be applicable to the informal economy. It further recalls that, to limit the risk of long-term unemployment and increased informality, phenomena which are difficult to reverse, it is crucial to support job creation and help people into work. To achieve this, the aim of full and productive employment and decent work should be placed at the heart of crisis responses.²⁰⁰

130. Recommendation No. 204 provides comprehensive guidance on the elements to be taken into consideration in developing and implementing policy responses for the informal economy, including the promotion of strategies for sustainable development, poverty eradication and inclusive growth, and the generation of decent jobs in the formal economy, the promotion of a conducive business and investment environment, and the promotion of entrepreneurship, micro, small and medium-sized enterprises, and other forms of business models and economic units, such as cooperatives and other social and solidarity economy units (Paragraph 11(a),(c) and (g)).

131. Policy responses involving the implementation of short-, medium- and long-term measures based on country-specific contexts (enterprise structure, level of informality and the diversity of the informal economy), are essential for successful outcomes. Following the urgent lockdown measures adopted and the reduction in economic activity, policies should focus on re-activation and recovery. The policies and programmes will need to be flexible and based on consultation with the social partners and the persons affected by the measures to be taken, with monitoring to maintain, adjust and phase out interventions, as appropriate.

Spain – The Decree²⁰¹ on social measures for the reactivation of employment, protection of self-employment and competitiveness of the industrial sector reaffirms that the fundamental basis of the regulations adopted in light of COVID-19 is internal flexibility measures, of a temporary nature, which aim to stabilize employment, avoid the destruction of jobs and support production, as well as making the precise mechanisms more flexible so as to avoid unnecessary additional burdens.

(a) Assessment and diagnosis (rapid assessments)

Paragraph 8 of Recommendation No. 204 provides that: “Members should undertake a proper assessment and diagnostics of factors, characteristics, causes and circumstances of informality in the national context to inform the design and implementation of laws and regulations, policies and other measures aiming to facilitate the transition to the formal economy.”

132. As the impact of the pandemic continues to intensify around the world, countries need access to immediate, real-time support in order to assess its employment impact accurately. Rapid diagnostics seek to assess the impact on the economy and review existing policies, their objectives and impact in order to identify gaps. One of the objectives of such diagnostics in relation to informality is to assess the effects of the pandemic on workers and enterprises in the informal economy, and on those most vulnerable to exclusion.

²⁰⁰ ILO, [Recovering From the Crisis: A Global Jobs Pact](#), International Labour Conference, 98th Session, 19 June 2009, para. 11.

²⁰¹ *Spain*, [Royal Legislative Decree No. 24/2020](#), of 26 June.

Jordan – The ILO and the Fafo Institute for Labour and Social Research issued a rapid assessment in May 2020 exploring the impact of the pandemic on disadvantaged groups in the Jordanian labour market, including Syrian refugees, women and workers in informal employment. The assessment was based on a selected sample of 1,580 workers and jobseekers, who have received support or participated in programmes and project schemes implemented by the ILO in Jordan, including those employed under its employment-intensive programme. The assessment provides insight and information to support the Government and development partners in designing or adapting employment interventions and policy responses to the crisis.²⁰²

(b) Preventing the informalization of formal jobs

133. The difficulties faced by MSMEs and own-account workers in the formal economy due to COVID-19 lockdowns have reduced, or completely wiped out their income. In the absence of income replacement assistance, especially in low- and lower-middle income countries, where social protection systems are weak and their coverage is limited, many people are compelled to resort to making a living as informal microbusiness operators, own-account workers or informal employees. Moreover, increased costs will be incurred in ensuring the safety of workers when operations resume. These additional costs, combined with other factors, such as labour market rigidities, excessive bureaucracy, high costs and unclear regulations, raise the risk of MSMEs and own-account workers being pushed into informality. The rise in informalization everywhere therefore poses a threat to both employers and workers. The first step towards designing effective interventions to prevent informality due to the crisis is to recognize the heterogeneity of the informal economy, the many different categories of work involved and the various drivers that lead to both the growth of the informal economy and the informalization of the formal economy.²⁰³

134. As already noted, fiscal measures have been adopted in the great majority of countries to support enterprises and enable them to continue operating while retaining their employees. In other countries, measures have been taken to ensure enterprise liquidity. Many governments have facilitated the provision of soft loans through reduced interest rates for SMEs, as well as debt restructuring with interest reduction and extended repayment periods.²⁰⁴ Many countries, have decided to bear the social security costs. Such measures have either been adopted generally or are more focused on certain sectors that have been severely affected by the pandemic. Specific measures have also been designed to cover self-employed workers. All of these measures are crucial to avoiding the informalization of the economy.

Czechia – Legislation has been adopted waiving minimum mandatory pension insurance contributions for self-employed workers for six months. The waiver will cover around 1 million self-employed persons, and the period from March to August will normally be included in their pension insurance.²⁰⁵

²⁰² ILO, “[Employment-Intensive Investment Programme Activities in Jordan](#)”, updated in June 2020. Other organizations and institutions also carry out rapid assessments: see, for example, in *Nepal*: World Vision, “[Rapid need assessment: Cohesive Response to COVID-19 in Nepal](#)”, 7 May 2020.

²⁰³ ILO, [Transitioning from the Informal to the Formal Economy](#), ILC.103/V(I), 2014, 4.

²⁰⁴ For example, in *Thailand*.

²⁰⁵ Government of *Czechia* “[The Government Has Decided to Extend Restrictions on Public Movement Until 1 April, and Has Also Approved Further Steps to Support Employers](#)”, Press release, 24 March 2020.

Jamaica – COVID grants have been introduced for marginal self-employed and informally employed persons, with JMD 1 billion in additional funding being allocated to the Ministry of Labour and Social Security for the provision of the grants.²⁰⁶

135. The Committee notes that many of the support measures introduced by governments address the formal economy, even in countries where most economic activity is informal. These measures may help to prevent informalization, but do not cover the needs of the informal workers and businesses that are essential to their national economies and employ large sectors of the population.

Portugal – Self-employed workers in their first year of activity are exempt from social security contributions, and were not therefore eligible for extraordinary income support measures until the beginning of May. However, the Government has recently announced the extension of existing schemes to previously excluded groups, including informal workers with no previous social security contributions.²⁰⁷

136. The Committee considers that it is thus essential, as highlighted by many participants in the ILO Global Summit on COVID-19 and the World of Work (1–2 and 7–9 July 2020), to provide adequate tools and assistance to enterprises and workers to help them remain in the formal economy. Policies need to be focused on the provision of income support for both businesses and workers to maintain the economic fabric, with special attention being paid to enterprises that are at greater risk of business failure and the self-employed and workers who are more likely to fall into informality. Recognition of the many avenues available to prevent informalization and promote formalization through coherence between the various policy measures therefore remains an enduring challenge at the national level.

(c) Ensuring adequate earnings and income support

137. The immediate loss of revenue for informal economic units caused by the pandemic and the lockdown may force informal businesses to close temporarily or permanently, leading to job losses and a surge in poverty and hunger. The projected contraction of GDP and the rise in unemployment is illustrated by the estimates of the United Nations Economic Commission for Latin America and Caribbean (ECLAC) indicating that, as of 2020, 79.2 per cent of the population in the region (491 million people) are in low or lower-middle income strata with per capita incomes of below three times the poverty line.²⁰⁸ Development processes therefore need to give priority to supporting the efforts made by informal workers and businesses to secure their livelihoods by guaranteeing their social and economic rights. Income support for workers and enterprises operating in the informal economy is critical to prevent them from plunging into even deeper poverty. As there is little time to design new schemes, the focus should therefore be on scaling up successful programmes, such as cash transfers, child allowances and shelter and food relief programmes. In many cases, conditional and unconditional cash transfers may be needed for an extended period of time. Many and diverse measures have already been adopted throughout the world to prevent exclusion, and in some cases their coverage has been expanded, benefit amounts increased or subsidies provided for utilities.

²⁰⁶ KPMG, “[Government and Institution Measures in Response to COVID-19](#)”, KPMG 2020 CEO Outlook, COVID-19 special edition.

²⁰⁷ Ricardo Paes Mamede, Mariana Pereira and António Simões, eds, [Portugal: Rapid Assessment of the Impact of COVID-19 on the Economy and Labour Market](#), (ILO, 2020), 13.

²⁰⁸ ECLAC, “[Addressing the Growing Impact of COVID-19 with a View to Reactivation with Equality: New Projections](#)”, Special report COVID-19, No. 5, 15 July 2020.

138. International and regional organizations have also been active in assessing the measures taken at the national level and in proposing and designing responses designed to help ease the most pressing needs of those who are most vulnerable to the negative effects of the pandemic. For example, ECLAC and FAO have put forward a proposal that governments should establish an anti-hunger grant to supplement emergency basic income for all those in extreme poverty.²⁰⁹

(i) Cash transfers

139. One means of reaching informal economy workers that has been found to be effective is the provision of cash transfers to registered families classified as vulnerable or poor.²¹⁰ Cash transfers are being provided in numerous countries²¹¹ in all regions.²¹²

Argentina – The Government has established an Emergency Family Income (IFE) for certain informal and single-income workers, consisting of an ARS 10,000 bond to mitigate the impact of the pandemic on the worst affected families.²¹³

Burkina Faso – Cash transfers have been introduced for informal workers to help informal fruit and vegetable retailers affected by the pandemic, particularly women.²¹⁴

Chile – Under the Emergency Family Income (IFE) Act (No. 21230 of 16 May 2020), financial assistance is provided to households with insufficient informal or formal income, and whose income has fallen because they cannot work due to the pandemic.²¹⁵

²⁰⁹ Under this proposal, the value of each grant would be equivalent to 70 per cent of the regional extreme poverty line (US\$67 in 2010). Taking into account changes in the projections made in the report, the total cost of the anti-hunger grant has been re-estimated at US\$27.1 billion, equivalent to 0.52 per cent of regional GDP. Depending on each national or local situation, this can take the form of cash transfers, food baskets, food vouchers or school food programmes. Although the responsibility for the initiative would lie with central governments, it would also require the involvement of municipalities, businesses, civil society organizations and individuals, as well as international cooperation. ECLAC-FAO, “[Preventing the COVID-19 Crisis from Becoming a Food Crisis: Urgent Measures against Hunger in Latin America and the Caribbean](#)”, COVID-19 report, 16 June 2020.

²¹⁰ For example, the Government of *Nigeria* has allocated cash payments for four months to families registered in the National Social Register of poor and vulnerable households. However, problems have arisen regarding the numbers benefiting from the programme. Kunle Sanni, “[Nigerian govt pays N20,000 to 5,000 Abuja households – Minister](#)”, *Premium Times*, 2 April 2020.

²¹¹ In addition to the examples described, cash transfers have also been provided for workers in the informal economy in countries such as *Bangladesh*, *Côte d’Ivoire*, *Fiji*, *Gabon*, *Georgia*, *Indonesia*, *North Macedonia*, *Mauritius* and *Mexico*.

²¹² For example, in *Indonesia*. See: “[Indonesia to Provide Cover for 115m People at Risk of Falling Back into Poverty](#)”, *Jakarta Globe*, 9 April 2020.

²¹³ The Emergency Family Income in *Argentina* was initially announced as a single payment, but in June 2020 a second round of benefits were provided.

²¹⁴ United Nations Development Programme (UNDP), “[Burkina Faso. Briefing socioéconomique. Impacts socioéconomiques du COVID-19](#)”, May 2020.

²¹⁵ For the conditions governing the benefit, see *Chile*, Ministry of Social Development and the Family, “[Ingreso Familiar de Emergencia](#) (IFE)”. The IFE has been extended with the addition of three payments to the benefit provided at the beginning of May. The amount of the benefit is higher (CLP100,000 per person, or about US\$125) than the first round (which was CLP65,000, or about US\$80) and its coverage has been extended from around 1.7 to 2.1 million households. See ECLAC, “Addressing the Growing Impact of COVID-19”, 21.

Guatemala – In its report, the Government refers to diverse measures adopted to mitigate the impact of the pandemic, including cash transfers to almost 1,000 families of 1 million quetzals.

Namibia – In addition to wage subsidies and various worker loan schemes, a one-off emergency income grant has been introduced for formal and informal workers who have lost their jobs.²¹⁶

Togo – NOVISSI, a cashless transfer scheme, has been introduced to support eligible persons in the informal economy whose daily income has been disrupted by the pandemic. The monthly financial aid provided to the most vulnerable persons and families through NOVISSI will continue for the duration of the crisis.²¹⁷

(ii) In-kind transfers

140. In some countries, specific measures have been taken to distribute food to those most affected by poverty and hunger during the pandemic.

Czechia – Additional funding has been provided for the Rural Development Programme in response to the urgent needs of entrepreneurs in the agriculture, food and forestry sectors in order to ensure food security for the population and increase the production capacity of the food industry. A total of CZK 3.3 billion will be released from the Government budget reserve for this purpose.²¹⁸

Guatemala – Similarly, the Government of Guatemala indicates in its report that 200,000 boxes with food will be distributed among excluded groups, the majority of which are in the informal economy.²¹⁹

India – An INR1.7 billion package has been adopted, which will focus primarily on migrant and daily wage labourers, both urban and rural, to ensure that no one goes hungry. The package includes a mix of food security and direct cash transfer benefits to shield poor families during lockdown.²²⁰

²¹⁶ UN, [Policy Brief: The World of Work and COVID-19](#).

²¹⁷ Government of *Togo*, [“NOVISSI program”](#).

²¹⁸ Government of *Czechia*, [“Measures Adopted by the Czech Government against the Coronavirus”](#), 23 June 2020.

²¹⁹ [Preparan cajas de alimentos para familias afectadas, el Periodico de Guatemala](#), 4 April 2020.

²²⁰ This measure was adopted as part of the Pradhan Mantri Garib Kalyan Yojana (PMGKY) of 2016, a welfare scheme launched by the Prime Minister. [“Coronavirus: FM Sitharaman announces package worth Rs1.70,000 crore for poor, daily wagers”](#), *India Today*, 26 March 2020. Similarly, the Government of *Guatemala* indicates in its report that 200,000 boxes with food will be distributed among excluded groups, the majority of which are in the informal economy.

141. In some cases, assistance has taken the form of covering costs, such as the payment of utility bills or rent.

Armenia – The Public Services Regulatory Commission has recognized coronavirus as a situation of force majeure, with the result that utility payments can be delayed without leading to light, water or gas being cut off.²²¹

(iii) Access to loans and credit

142. In the same way as prior to the pandemic, access to credit is crucial to ensure survival, incomes and even growth in the informal economy.

Mexico – The Government has given 1 million micro credits primarily to informal workers, domestic workers and micro- and small enterprises.²²²

Thailand – A range of measures have been taken to support informal workers, including:

- ▶ Cash support of THB5,000 for three months from April to June 2020 for workers in general, temporary workers and freelance workers not registered with the Social Security System (SSS).
- ▶ Workers registered with the SSS will receive 50 per cent of their previous wages (up to a maximum of THB15,000 a month) if the employer stops operations temporarily.
- ▶ Cash support of THB5,000 for three months for farmers from May to July 2020.
- ▶ Special loans of THB10,000 per person, at 0.1 per cent interest, with no collateral required.
- ▶ Special loans of THB50,000 per person, at 0.35 per cent interest, with collateral.
- ▶ Loans to State pawn shops to further boost liquidity for low-income citizens.²²³

(iv) Tax waivers

143. Temporary waivers or the rescheduling of tax payments have been introduced in some countries to preserve livelihoods and prevent bankruptcies.

Azerbaijan – The deadline for submitting tax returns and making tax payments has been extended for microenterprises.²²⁴

Honduras – Deadlines for the filing and payment of 2019 taxes have been extended for individuals and SMEs.²²⁵

²²¹ Ugo Gentilini, Momahed Almenfi and Ian Orton, “[Social Protection and Jobs Responses to COVID-19: A Real-Time Review of Country Measures](#)”, Living paper, version 3, 3 April 2020.

²²² Consejo Nacional de Evaluación de la Política de Desarrollo Social (CONEVAL), “[La crisis sanitaria generada por la COVID-19 y sus consecuencias económicas ponen en riesgo avances en desarrollo social y puede afectar en mayor medida a grupos vulnerables](#)”, Comunicado No. 06, 11 May 2020.

²²³ KPMG, “[Thailand: Government and Institution Measures in Response to COVID-19](#)”, last updated 8 July 2020.

²²⁴ OECD, “[OECD Policy Responses to Coronavirus \(COVID-19\): Tax Administration Responses to COVID-19: Measures Taken to Support Taxpayers](#)”, 21 April 2020.

²²⁵ OECD, “[OECD Policy Responses to Coronavirus \(COVID-19\)](#)”.

(v) Public works

144. Some governments have established public work programmes to provide emergency employment for workers in the informal economy and to support basic medical services in quarantined areas.²²⁶

South Africa – The Expanded Public Works Programme (EPWP), a national programme supported by the ILO, has made provision for projects and programmes providing essential services, such as home and community-based care and waste collection, to continue operation, but with increased safety measures in place. It has also launched an initiative hiring 20, 000 young people to work with health NGOs to distribute supplies such as sanitizers and soap, educate people on proper hygiene to prevent transmission, disinfect high-risk areas and conduct clean-up campaigns.²²⁷

(d) Social dialogue

145. With a view to developing and implementing consensus-based policy responses to the pandemic, governments should involve the social partners at the earliest possible stage in the national crisis response.²²⁸ The social partners have an essential role to play in rapidly bringing the needs and concerns of labour market actors at the grassroots level to the attention of the public authorities. Respect for freedom of association, the right to organize and the effective recognition of the right to collective bargaining are enabling mechanisms that are conducive to productive social dialogue, especially in times of crisis, and should be promoted in both the formal and informal economies.²²⁹

(e) Creating a conducive environment for sustainable business and investment

146. There is a stark trade-off between stopping the pandemic and safeguarding global and national economies, particularly for businesses in the informal economy. The pandemic is having a devastating impact on the revenues and liquidity of businesses and their capacity to comply with tax requirements and meet their normal operational expenses. The provision of support to small businesses to help them survive will enable them to maintain jobs, avoid informalization and facilitate transition to formality. In this regard, as highlighted in the 2020 General Survey, measures to foster and facilitate entry into business, reduced compliance costs, access to public procurement and to adequate and inclusive financial services, as well as training and skills development, are crucial for the survival and formalization of businesses in the informal economy.²³⁰

Business New Zealand highlights that, while protection for workers, especially those affected by uncertainty in relation to the employment relationship, is of course desirable. Nevertheless, excessive regulation may keep some workers out of work, particularly where the employer concerned operates on a small scale. This acts as an impediment to business growth and improved employment opportunities.

²²⁶ For example, *Philippines*: Ferdinand Patinio, “[DOLE issues rules for cash-for-work program amid Covid19](#)”, Philippine News Agency, 18 March 2020. See also *Uzbekistan*: Gentilini, Almenfi and Orton. “Social Protection and Jobs Responses to COVID-19.”

²²⁷ ILO, “[Activities of the Employment Intensive Investment Programme in South Africa: COVID-19 Response](#)”.

²²⁸ This approach is also emphasized in the ILO Global Jobs Pact 2009 in response to the global financial and economic crisis.

²²⁹ See Part VII.

²³⁰ Paras 449–465.

(i) Access to finance

147. Tailored responses are needed to reach and support small businesses, including direct financial support and loan guarantees to avoid saddling enterprises with too much debt. The temporary subsidies to small enterprises to cover labour costs and the extension of credit lines and loan guarantees under concessional terms that have been introduced to support job retention also have the effect of preventing informalization.²³¹

148. For small businesses, microfinance and semi-formal financial institutions can be an effective means of reaching enterprises and own-account workers operating in the informal economy. Income support for poor workers and households is vital for firms, especially those that produce consumption goods.

Brazil – Small entrepreneurs, cooperatives and informal workers can apply for new credit lines out of a BRL6 billion emergency credit fund administered by the Ministry of Regional Development designed to help guarantee working capital and resources for investment. As of 15 May 2020, informal workers, cooperatives and small entrepreneurs had received BRL128.3 million in emergency credit.²³²

(ii) Simplified procedures

149. In response to the crisis, it is important for governments to give priority to simplifying and expediting procedures for accessing unemployment benefit, extending support to own-account workers and making it easier for small informal businesses to access credit and loan guarantees. Entrepreneurship can also be promoted by simplifying procedures and providing support for start-ups.²³³

(iii) Adequate information

150. In the reactivation phase, it is necessary to ensure the provision of timely information to informal economy operators on the status of containment measures and how to return safely to their work activities.

(f) Extending social protection

151. As already indicated in the 2020 General Survey, a lack of social protection is a key defining characteristic of the informal economy. The process of the transition to formality involves the progressive extension of social security to all workers in the informal economy.²³⁴ This is even more important in times of crisis, when vulnerabilities and risks increase. It is therefore crucial to ensure protection for persons and families who are affected, and particularly for the most vulnerable, including those in the informal economy, by strengthening social protection systems to provide effective health coverage, income support and pensions.²³⁵ In countries with a large informal sector, most workers are not covered by statutory social protection. These workers need to be placed at the centre of policy efforts. Social protection measures are a necessary part of any adequate crisis response and serve to ensure that those most affected by the crisis have effective access to health care, support, jobs and income security. They therefore make a major contribution to preventing and alleviating poverty, unemployment and informality, and accordingly to fostering economic and social stability and peace.

²³¹ See Part I.

²³² Government of Brazil, “Crédito emergencial para empreendedores e trabalhadores informais já soma R\$128,3 milhões”, Notícias, 15 May 2020.

²³³ Although start-ups play a key role in job creation, innovation and long-term growth, they are currently facing major challenges to their survival and growth. See OECD, *OECD Policy Responses to Coronavirus (COVID-19) “Start-ups in the Time of COVID-19: Facing the Challenges, Seizing the Opportunities”*, 13 May 2020.

²³⁴ Paras 440 and 441.

²³⁵ ILO Global Jobs Pact 2009, Preface, iv.

152. The absence of universal health protection increases vulnerabilities and stigmatizes at-risk groups, discouraging them from seeking treatment, which in turn increases the public health risk. The lack of sickness benefit or paid sick leave encourages people to go to work even if they are sick, which jeopardizes their own health and risks further contagion. The crisis has exposed significant gaps in social health protection coverage for workers in the informal economy and their families, revealing their lack of both financial and geographical access to quality health care, particularly for those living in rural and remote areas.²³⁶

Mexico – Measures were taken to extend health coverage and conduct awareness-raising campaigns in rural areas.²³⁷

Thailand – Steps have been taken to enhance financial protection to cover health care expenses by granting COVID-19 patients access to the Universal Coverage Scheme for Emergency Patients, including both nationals and non-nationals.²³⁸

153. Some countries have taken steps to ensure at least a basic level of income security for those who are sick or quarantined, including for those in the informal economy.²³⁹ A lack of unemployment protection measures, including partial unemployment or partial income compensation, means in turn that companies are unable to preserve jobs while coping with the financial impact of the pandemic.²⁴⁰ Countries with a strong and efficiently run social protection system have a valuable built-in mechanism to stabilize the national economy and address the social impact of the pandemic, although they may need to reinforce existing social protection systems. In the case of other countries, the priority is to meet urgent needs, while building the foundations for a stronger and more effective social protection system.²⁴¹

154. The Committee notes that, while many measures have been taken at national level to provide income support, those countries with established contributory and non-contributory social protection schemes were already better equipped to facilitate the quick and effective roll-out of benefits, thanks to existing administrative and delivery mechanisms.²⁴² Mobile applications and online penetration have been very useful for the identification and distribution of benefits.²⁴³ In some cases, benefits were granted through the use of universal pensions, or universal child benefits. Other countries used social security institutions as channels for identifying and delivering benefits to previously uncovered groups.

Cabo Verde – Income support to low income formal and informal workers was provided through the database of the National Social Security Institute, creating a pre-registry within the single registry to facilitate identification and delivery.²⁴⁴

²³⁶ ILO, “[Extending Social Protection to Informal Workers in the COVID-19 Crisis: Country Responses and Policy Considerations](#)”, ILO brief, 14 September 2020, 4.

²³⁷ ILO, “[Extending Social Protection to Informal Workers](#)”, 4.

²³⁸ ILO, “[Extending Social Protection to Informal Workers](#)”, 4.

²³⁹ ILO, “[Extending Social Protection to Informal Workers](#)”, 4.

²⁴⁰ ILO, “[Social Protection Responses to the Covid-19 Crisis: Country Responses in Asia and the Pacific](#)”, 25 March 2020. See also “[Extending Social Protection to Informal Workers](#)”.

²⁴¹ ILO Global Jobs Pact 2009, para. 13.

²⁴² ILO, “[Extending Social Protection to Informal Workers](#)”, 5.

²⁴³ In *Mauritius*, the social pension is delivered by the postal service, while *Thailand* and *Zimbabwe* have partnered with digital payment platforms to disburse income supports. See “[Extending Social Protection to Informal Workers](#)”, 6.

²⁴⁴ ILO, “[Extending Social Protection to Informal Workers](#)”, 6.

155. In addition to ensuring the protection of workers in the informal economy during the immediate crisis, such measures can facilitate the development of adapted solutions that also meet the priority needs of informal economy workers in the medium and long term. If policies are well designed, the current critical situation can offer an opportunity to encourage workers to participate and contribute, as well as building trust.²⁴⁵

Finland – In its report, the Government refers to cases involving migrant labour exploitation in the country in sectors such as hospitality, construction and agriculture. The same elements are largely present in most cases of labour exploitation: poor working conditions, excessive working hours, no overtime pay or Sunday increments, pay not in keeping with collective agreements, deficient occupational safety and health, and inhuman living conditions in lodgings provided by the employer. The Government of Finland has taken action in response to the problems that have come to light. A set of actions was announced in August 2020 to combat labour exploitation. The 14 measures announced seek to better protect the victim and introduce additional consequences to the employer. In addition, the current action plan to tackle the grey economy and economic crime, the eighth of its kind, draws attention to factors such as promoting a fair labour market.

²⁴⁵ ILO, “Extending Social Protection to Informal Workers”, 7.

Part IV

**Home work
and the COVID-19 pandemic**

► 1. Introduction

156. As the Committee noted in its 2020 General Survey, work may be carried out in many different settings, which can include the employer's premises, but also the worker's home or other premises that the worker may choose.²⁴⁶ Home work is extremely diverse, ranging from traditional crafts to the garment and textile sectors, assembly and packaging and information technology services, including telework. The Committee recalls in this regard that, during the preparatory work, not all countries agreed on the need or the timeliness of addressing telework in the context of homework, given their many substantive differences with respect to issues such as working conditions or the categories of workers involved.²⁴⁷

157. Home work is a main source of income for millions of workers around the world, most of whom are women, and who are concentrated in the informal economy. Homework is also an important link in national and global supply chains, often at the lowest levels.²⁴⁸

158. The Committee recalls that the central objective of Convention No. 177 and Recommendation No. 184 is twofold.²⁴⁹ First, the Convention calls on Members to adopt, implement and periodically review a national policy on home work aimed at improving the situation of homeworkers, in consultation with the social partners and, where they exist, with organizations concerned with homeworkers and those of employers of homeworkers (Article 3). Second, the Convention calls for the national policy on home work to promote equality of treatment between homeworkers and other wage earners (Article 4).

► 2. Working from home in response to the pandemic

159. In March 2020, as lockdowns were imposed around the world to impede the spread of the virus, large portions of the world's workforce, estimated at close to one-in-five workers globally, found themselves working from home.²⁵⁰ As of mid-April 2020, measures had been taken in 59 countries to implement teleworking for public service personnel deemed to be non-essential.²⁵¹ In addition, many governments have encouraged private employers to allow working from home to promote social distancing.²⁵² This unprecedented experiment in working from home has led to renewed interest in its implications for both workers and employers. Organizations that had never entertained the possibility of their workers working from home have started to do so and have seen potential gains from using this form of working, including the possibility of reducing costs. As will be seen below, working from home presents a number of challenges for workers. One of these challenges lies in the question of who should bear the costs of working from home, such as electricity costs, space and furniture, computers, printers, headphones or connectivity. These costs normally fall on the employer, but are often shifted to the worker in the context of telework. Furthermore, telework also presents other risks, such as the blurring of lines between the worker's personal and professional life, the

²⁴⁶ ILO, General Survey of 2020, para. 476; Home Work Convention, 1996 (No. 177), Article 1.

²⁴⁷ ILO: Home work, Report V(1), 1995, 10 and 78. See also 2020 General Survey, paras 614 and ss.

²⁴⁸ ILO, General Survey of 2020, para. 482, citing Jenna Harvey, [Homework, Gender and Inequality in Global Supply Chains, Discussion Paper](#), (UN Women and WIEGO, 2018); Jenna Harvey, [Homeworkers in Global Supply Chains: A Review of Literature](#), (WIEGO Resource Document No. 11, 2019).

²⁴⁹ ILO General Survey of 2020, para. 489; Convention No. 177, Articles 3 and 4.

²⁵⁰ ILO, [Working from Home: Estimating the Worldwide Potential](#), Policy Brief, April 2020.

²⁵¹ ILO, *Working from Home*.

²⁵² ILO, *Working from Home*.

right to disconnect and the issue of privacy. Moreover, due to their isolation, homeworkers face increased risks of domestic violence and sexual harassment.²⁵³

160. The ILO has estimated that in 2019, prior to the pandemic, there were approximately 260 million home-based workers worldwide, representing almost 8 per cent of global employment. Following the onset of the pandemic, this number now far exceeds the 2019 figures.²⁵⁴

161. As lockdowns were imposed, the ILO estimated that approximately 15–18 per cent of the world's employed population could work from home, with figures ranging from one-in-three in Northern America and Europe to one-in-six in sub-Saharan Africa.

162. Much research has been carried out into the potential of home work as a response to crisis²⁵⁵ and to estimate the extent to which different occupations could be carried out remotely. It is expected that labour force survey data compiled after the onset of the pandemic will confirm the greatly increased percentage of workers who are working from home. The estimates will also help to determine the activities that cannot be undertaken remotely (for example, plant operation, building and assembly, and sales work).

163. In any event, many enterprises have discovered through practice that working from home offers the opportunity to continue working while preventing the spread of the virus and ensuring the safety of workers. In order to survive, some enterprises have had to convert their activity, as demand has fallen drastically during lockdown. For example, in many countries, homeworkers are producing PPE for local use, often much more rapidly than industry.²⁵⁶

164. Studies that have examined experiences of working from home during the pandemic have highlighted the important divides between countries. The number of people who are able to perform the same occupations from home varies significantly from one country to another. In many developing countries, the great majority of workers are in sectors in which work cannot be carried out from home (such as construction and informal services). National differences are also due to the digital divide, resulting from poor connectivity, the scarcity of computers and communication devices, and lack of training and knowledge of the main tools for remote working.

165. As working from home is likely to take on greater relevance in future, it is useful to probe more deeply into its implications for employers and workers, the associated labour and social rights, and the action and policies adopted to ensure that home work is decent work.

Teleworking as a crisis response measure

166. The Committee notes that, following the outbreak of the pandemic, the urgent measures adopted in many countries to contain the spread of the virus gave rise to a significant increase in the use of teleworking as an alternative working arrangement that can both protect workers from infection and ensure business continuity. Beginning in March 2020, a large proportion of the world's workforce started working from home. As employers began to rely increasingly on teleworking and adapted their operations to facilitate the practice, many enterprises noted the potential advantages of teleworking, including savings on rent, office space and utility costs.

167. However, the transition to teleworking is not always easy. Many companies have not moved to paperless or digitalized operations. MSMEs in particular find it more difficult and expensive than larger enterprises to adapt to teleworking, which means they often cannot survive long periods of lockdown. Access to information and communication technology (ICT) is also a challenge in many countries.

²⁵³ The Committee recalls in this regard, the provisions of the Violence and Harassment Convention, 2019 (No. 190).

²⁵⁴ ILO, [Working from home: From invisibility to decent work](#), Geneva, 2021.

²⁵⁵ General Survey of 2020, paragraph 491.

²⁵⁶ ILO, [Working from Home](#); WIEGO, [Informal Workers in the COVID-19 Crisis: A Global Picture of Sudden Impact and Long-Term Risk](#).

168. From the viewpoint of workers, working conditions change radically when working from home. For some workers, home means the possibility to work without interruption. However, the general lockdown has meant that many workers have had to share their working space with other members of their family, making their work more stressful. Many workers have had to assume greater family responsibilities due to the closure of schools and other facilities. For some workers, working from home can be synonymous with isolation, which can have a detrimental impact on their mental and physical health and productivity.²⁵⁷ It is therefore crucial to ensure that teleworkers are in contact with supervisors, colleagues and the organization as a whole.²⁵⁸

Brazil – 13 per cent of the workers interviewed during a special round of the continuous national household survey (PNADC) indicated in May 2020 that they were teleworking to avoid being exposed to the virus, or because of the lockdown. One quarter of these teleworkers are professionals, 19 per cent are teachers and 8 per cent are managers. In comparison, only 5 per cent of the workforce are professionals, 4 per cent are teachers and 3 per cent are managers. A worker's occupation can therefore determine not only who may be able to telework, but also who is more likely in practice to be engaged in teleworking.²⁵⁹

Slovenia – In 2019, the Labour Inspectorate received information on 2,036 (2018: 1,379) agreements on homeworking. Most cases concerned office work by means of computers and appropriate information technology. Home work was offered to workers with employment contracts concluded for an indefinite period and in some cases also to workers with fixed-term contracts. In the first half of 2020, including the time of the declared coronavirus epidemic, the number of persons working from home increased significantly. The Inspectorate was informed about home working arrangements by 10,525 employers.

The *IOE* highlights that lockdowns and confinements have accelerated the digitalization and modernization of work processes and work arrangements. Many companies have shifted their business operations online and allowed their employees to work remotely from home. This has created a push to develop new business models, an increase in online platforms that match demand and supply of goods, and a need for upskilling technological tools for online meetings, collaborative work and client engagement. This development has created new opportunities as well as new challenges for employees and employers. For example, digitalization offers more flexibility of arrangements and opportunities to modernize business operations by making them more eco-friendly and app-based. However, it also poses new risks with cyber threats and privacy concerns. These new developments are still in the early stages and are likely to evolve over time as we adjust our attitudes and habits to accommodate the use of technology. It is important that home work policies not be restricted or limited to the existing forms of technological advancement by heavy regulations and policies, in order to reap the benefits and opportunities of these changes.

²⁵⁷ See Part V below.

²⁵⁸ ILO, [Teleworking During the COVID-19 Pandemic and Beyond: A Practical Guide](#), 2020, 10.

²⁵⁹ Brazil, Instituto Brasileiro de Geografia e Estatística, “[Em maio, 13,3% das pessoas ocupadas exerceram tele-trabalho. Estudo teve por base PNAD Covid-19 do IBGE](#)” 8 July 2020.

Business New Zealand indicates that the COVID-19 epidemic has highlighted the growing importance of telework for employees who would not have previously been categorised as homeworkers. The extent to which this changed approach to work will become permanent is not yet clear, but for both employees and employers it raises questions that relate to matters such as health and safety responsibilities, whether work activities should, or can, be supervised, responsibility for the cost of consumables such as power, computer use, printing, heating, and so on. Questions of this sort will likely increase in significance the longer the 'new way of working' continues. Business NZ further highlights that the extent to which the growing 'working from home' phenomenon will affect pay rates and other terms and conditions cannot yet be known. But it could undermine attempts to unionise and to bargain collectively.²⁶⁰

169. The Committee has addressed the use of telework in its 2018 General Survey concerning working-time instruments,²⁶¹ as well as in its 2020 General Survey, where it notes that telework carries with it both advantages and disadvantages. Workers may benefit from reduced commuting times, increased flexibility in organizing their work, and a better balance between their personal and professional responsibilities. At the same time, given the limitations concerning access and availability of care systems, home work may give rise to a double burden for workers with family responsibilities.

Australia – The [Child Care Subsidy Amendment \(Coronavirus Response Measures No. 2\) Minister's Rules 2020](#) established a new funding arrangement for the early childhood education and care (ECEC) sector in response to the coronavirus (COVID-19) pandemic and its impact on child care enrolments and attendance. The new arrangements make child care services fee-free for families. The changes took effect on 6 April 2020 and remained in place until 28 June 2020.

Luxembourg revised its rules regarding special leave entitlements for family reasons. According to the Labour Code, salaried employees with a child under the age of 18, who requires the presence of one of his parents in the event of a serious illness, accident or other compelling health reason, were eligible for this entitlement. The situation of a child who has been isolated or placed in quarantine or confinement at home by the competent authorities with a view to containing the spread of an epidemic has now been added to the list of compelling health reasons. Subsequently, the list was expanded to also include the situation of a child in school under the age of 13 whose school was closed or whose classes remained suspended for reasons directly related to the health crisis or who cannot be cared for by any school or reception facility.²⁶²

²⁶⁰ The Committee recalls in this regard that Article 4(2)(a) provides for the right of homeworkers to establish and join organizations of their own choosing and to participate in the activities of such organizations. Paragraphs 11 and 12 of Recommendation No. 184 indicate that the national policy on homework should address any obstacle or restriction in this respect. In its 2020 General Survey, the Committee dealt with this question in paragraphs 556 to 559.

²⁶¹ ILO, [General Survey Concerning Working-Time Instruments – Ensuring Decent Working Time for the Future](#), 2018, Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part B), International Labour Conference, 107th Session, paras 736–745; ILO General Survey of 2020, para. 617; Eurofound and ILO, *Working Anytime, Anywhere: The Effects on the World of Work*, (2019 Update), February 2017.

²⁶² [Demander un congé pour raisons familiales lié à la pandémie COVID-19](#).

170. Employers may also benefit from cost savings, in terms of reduced office space, utilities and other expenses. On the other hand, disadvantages for workers often include a tendency to work longer hours, as well as increased costs for utilities, equipment and office space in the home – all leading to greater challenges in maintaining the balance of responsibilities.

Switzerland – An employee who was working from home lodged a complaint against his employer, maintaining that he should be reimbursed by the employer for the additional costs he was required to bear. He claimed that, in order to work from home, he had had to take over a specific room in the family home as a home office, and had incurred additional expenses for electricity and related costs. The Swiss Supreme Court found in favour of the plaintiff.²⁶³

171. Some countries had already introduced legal provisions on telework as crisis response.

France – Ordinance N° 2017-1387 of 22 September 2017 amended the Labour Code to introduce section L.1222-11, which provides that, in exceptional circumstances, including the threat of an epidemic, or in the event of force majeure, the implementation of telework may be considered as an adaptation of the job made necessary to allow the continuity of the enterprise's activity and guarantee the protection of employees.

Peru – Supreme Decree No. 010-2020-TR, contains provisions on remote work. The Government indicates that the main characteristics of remote work are: The employer has the power to unilaterally implement remote work in the present emergency context; – The variation to remote work does not affect the nature of the employment relationship, the remuneration and other economic conditions applicable to the employment relationship; - The ordinary working time that applies is the working time agreed with the employer in advance (i.e. when work is performed in person) or that which the parties have agreed upon in connection with the remote work. The constitutional limit of 8 hours per day or 48 hours per week applies; the employer must inform the worker of the occupational safety and health measures and conditions that must be observed during the performance of the remote work, including those to eliminate or reduce the most frequent risks in this modality; computer, telecommunications and similar equipment and means (Internet, telephone or other) that are necessary for the provision of the service may be provided by the employer or the worker; when the worker provides the means or mechanisms for remote work, the parties may agree on the form of compensation for the additional expenses arising from the use of such means; the employer assigns the necessary facilities for access to the computer systems or applications required.

²⁶³ Federal Tribunal, ruling No. 4A_533/2018, of 23 April 2019. However, see M. Mueller, and C. Roos. [COVID-19: Supreme Court Ruling on Mandatory Compensation for Use of Home Office Does NOT Apply to Remote Working During COVID-19 Pandemic](#), Pestolazzi Attorneys at Law, 25 May 2020.

Spain – On 23 September 2020, the Royal Decree Law 28/2020 of 22 September, on remote working distinguishes between remote work and on-site work. Remote work is defined as the work activity which is carried out in the worker's home or in the place chosen by the worker, during all or part of the working day, on a regular basis. Teleworking is defined as type of remote working carried out exclusively or predominantly using computer, telematic and telecommunication means and systems. The Law guarantees the equal rights between on-site and remote workers and the same total remuneration among workers. It guarantees the right of the worker to return to work on-site. Also, remote workers will have priority for new jobs that are totally or partially performed on-site. The new law further establishes that the remote working agreement must be in writing and that the costs involved in remote work should be compensated by the company.

172. The Committee notes that the temporary introduction of mandatory home working, and particularly teleworking, in many countries was itself a measure introduced by the government or by employers to protect the safety and health of their employees.

Greece – The Government indicates in its report that, due to the steady rise of COVID-19 cases in the region of Attica, mandatory telework of 40 per cent of employees in the private and public sectors was decided.

Israel – The Government indicates in its report that, to cope with the consequences of the pandemic, special arrangements have been made in the private and public sectors to extend the possibility of homeworking in order to reduce physical presence at the workplace.

173. The Committee further notes that the policy framework proposed by the ILO to address the pandemic includes teleworking as one of the measures recommended for the protection of workers as well as employers.²⁶⁴ A number of countries have developed regulations governing telework as a policy response to COVID-19.

Belgium – “Telehomework” is among the emergency measures introduced in response to the pandemic. It is mandatory in non-essential sectors for employees whose work allows it, requiring such workers to work from home.

²⁶⁴ ILO, [COVID-19 and the World of Work: Impact and Policy Responses](#), ILO Monitor, 1st Edition, 18 March 2020.

Ecuador – The Humanitarian Support Act of 19 June 2020 introduced amendments into the Labour Code regulating telework.²⁶⁵ The legislation now makes a distinction between: autonomous teleworkers, who work permanently outside enterprise premises; mobile teleworkers, who have no fixed workplace and whose main working tools are ICT on mobile devices; part-time teleworkers, who work two or three days a week at home and the rest of the week in the workplace; and occasional teleworkers.²⁶⁶

Malawi – The Ministry of Labour, Skills and Innovation has issued COVID-19 workplace guidelines that promote teleworking for “non-critical” staff.²⁶⁷ The April 2020 guidelines were developed in consultation with the Employers’ Consultative Association of Malawi (ECAM) and with workers and trade unions through the Malawi Congress of Trade Unions (MCTU) and businesses through the Malawi Confederation of Chambers of Commerce and Industry (MCCCI) and drawing on the technical expertise of the ILO.²⁶⁸

Saudi Arabia – The Ministry of Human Resources and Social Development issued guidelines in March 2020 on remote working in the private sector.²⁶⁹

174. Some countries have taken measures to: enable the electronic registration of employees working from home;²⁷⁰ simplify the safety and health obligations of employers in respect of teleworkers;²⁷¹ ensure that workers are compensated for costs arising from teleworking;²⁷² ensure the recognition of work-related accidents occurring at home;²⁷³ and temporarily simplify the procedures enabling employers to apply for subsidies for the introduction of flexible working arrangements, including remote working.²⁷⁴

Republic of Moldova – In its report, the Government indicates that the Labour Code was modified in 2020 and provides that workers engaged in remote work enjoy the same rights and guarantees provided by the law for workers who work on enterprise premises. The conditions for remote work may be established in the collective agreement, in the employment contract or in the internal regulations of the enterprise. The employer is responsible for the safety and health of workers performing work remotely.

²⁶⁵ New section following section 16 of the Labour Code. The new section following section 25 of the Basic Public Service Act introduces a similar provision for the public sector. See also Ministerial Decision No. MDT-2020-076 on “emerging telework”. Teleworking had already been the subject of Ministerial Decisions covering the private and public sectors, adopted in 2016 and 2017, respectively.

²⁶⁶ Legal provisions regulating teleworking have also been adopted in other countries, for example in the *Plurinational State of Bolivia* ([Supreme Decree No. 4218 of 14 April 2020](#)) and *Ukraine* (Law No. 540-IX of 30 March 2020 amending certain legislative acts to ensure additional social and economic guarantees in connection with the spread of coronavirus).

²⁶⁷ *Malawi*, Ministry of Labour, Skills and Innovation, [COVID-19 Workplace Guidelines](#), April 2020.

²⁶⁸ *Malawi*, [Joint press release, Ministry of Labour Skills and Innovation \(MOLSI\), Government of Malawi, Employers Consultative Association of Malawi, Malawi Congress of Trade Unions and International Labour Organization](#), April 2020.

²⁶⁹ Saudi Press Agency. [Ministry of Human Resources and Social Development Issues Guideline for Remote Work in Private Sector](#), 17 March 2020.

²⁷⁰ For example, in *Greece*.

²⁷¹ For example, in *Croatia* and *Spain* ([Royal Legislative Decree No. 8/2020 of 17 March 2020, section 5](#)).

²⁷² For example, in *France*.

²⁷³ For example, *Argentina* and *Austria*.

²⁷⁴ For example, *Republic of Korea*.

175. While taking due note of the measures taken by many countries to ensure some level of protection to those workers that are teleworking, the Committee highlights the challenges that telework (and home work in general) presents to employers and the public authorities. These include issues such as occupational safety and health or working time, as well as how to ensure their effective implementation and supervision.

176. Policy responses have sometimes taken the form of agreements between the social partners.

Côte d'Ivoire – A nationwide bipartite memorandum of understanding for a joint COVID-19 response recommends the implementation of teleworking whenever possible.²⁷⁵

Germany – In companies with works councils, rights and obligations regarding home work are usually regulated in an agreement which usually contains provisions on the weekly number of home office days, occupational health and safety, data protection, assumption of costs, liability, or other elements. For example, a sectoral crisis agreement has been concluded in the chemical industry which, among other measures, promotes enterprise-level bargaining on teleworking.²⁷⁶

Italy – The regulations adopted in response to the pandemic allow the introduction of smart working arrangements without the conclusion of an individual agreement between the employer and the employee, as is normally required.²⁷⁷

177. Several European countries have concluded bilateral agreements which temporarily allow cross-border workers to telework on a full-time basis without being required to pay social security contributions in their country of residence.²⁷⁸

²⁷⁵ ILO, [Employers and Workers Negotiating Measures to Prevent the Spread of COVID-19, Protect Livelihoods and Support Recovery: A Review of Practice](#), ILO Brief, July 2020.

²⁷⁶ Planet Labor. [Germany: Chemical Industry Social Partners Strike Crisis Agreement](#), No. 11774, 27 March 2020.

²⁷⁷ *Italy*, Ministry of Labour and Social Policy. [Smart Working](#).

²⁷⁸ See in this regard, for example: Wim Cocquyt and Zuzana Jasenovcova. [Impact of COVID-19 on the Applicable Social Security Legislation](#), Fragomen.

► 3. The effects of the pandemic on homeworkers

178. While the pandemic has forced many workers and enterprises to work from home, with its opportunities and challenges, it has also shed light on the difficulties already faced by many workers who rely on home work for their livelihoods. Their situation is aggravated by the risk of exposure to the virus and its socio-economic consequences. The homes in which homeworkers live and work are often crowded and lack basic services, such as running water and sanitation, which means that observing necessary hygiene routines and remaining in isolation, as recommended or required by national authorities, is not feasible. Millions of homeworkers who live in poverty, and often work in the informal economy, need to continue working to survive and to feed themselves and their families. However, the support measures adopted by governments and employers to mitigate the impact of the crisis frequently exclude homeworkers.

(a) Plummeting demand disproportionately affects the income of homeworkers

179. The lockdown measures that shut down entire sectors of national economies, with consumers often reducing the consumption of goods and services to the minimum, has affected the entire economy in many countries and has disrupted the functioning of international and national supply chains. Many enterprises have not been able to produce and/or sell their products. Homeworkers, who are often on the lower tiers of supply chains, have been particularly badly affected as their orders and supplies have been interrupted, with a consequent loss of income.²⁷⁹

(b) The garment sector particularly affected

180. In the garment industry, the pandemic has caused brands and retailers to close shops and cancel orders from sourcing factories, resulting in mass lay-offs and a devastating effect on the livelihood of homeworkers at the lowest tiers of global garment supply chains.²⁸⁰ When retailers curtailed or shut their operations due to lockdown measures, many cancelled existing orders. Not only did homeworkers no longer receive new work orders, but many received no pay for work already completed.²⁸¹ Local communities that depend on work for global supply chains have also been badly affected by cancelled orders.

In *India*, in Tirupur, the “T-shirt factory of the world”, where T-shirts are produced for over 200 international brands, the workforce includes over 40,000 homeworkers, mostly women engaged in embroidery, stitching, making screen prints and appliques, inserting the tie into tracksuit pants, cutting loose threads, removing stains and packaging. Work in Tirupur has been slow since January 2020 due to the lack of raw materials arriving from China in the wake of the COVID-19 crisis. With the lockdown in India since 24 March 2020, work has ceased and homeworkers are without any income. Factories in the state of Tamil Nadu, where Tirupur is located, were initially ordered to close until mid-April, and the stay-at-home order was extended.²⁸² Even when the lockdown was lifted, only 25 per cent of homeworkers registered with the Social Awareness and Voluntary Education organization (SAVE) have managed to secure work, albeit at severely reduced piece-rates.²⁸³

²⁷⁹ See the situation in South East Asia in WIEGO, [Home-based workers face a new kind of isolation](#). See for example, Worker Rights Consortium, “[My children don’t have food. I can withstand this hunger, but they cannot: What the crisis means for the people who make collegiate apparel](#) (page 5, example from *El Salvador*).

²⁸⁰ Homenet South Asia, [Voices from the Ground: How COVID-19 has Affected Homeworkers in South Asia’s Garment Supply Chains](#), 18 June 2020.

²⁸¹ ILO, *Home Work Report*; M. von Broembsen, *The World’s Most Vulnerable Garment Workers Aren’t in Factories – and Global Brands Need to Step Up to Protect Them*, WIEGO, 21 April 2020.

²⁸² ILO, *Working From Home*; M. von Broembsen, *The World’s Most Vulnerable Garment Workers. Aren’t in Factories – and Global Brands Need to Step Up to Protect Them*, WIEGO, 21 April 2020.

²⁸³ Homenet South Asia. *Voices from the Ground*.

181. In this context, the Committee encourages governments to consider providing training and placement services, where appropriate, to enable homeworkers and other members of local communities affected by the crisis to upskill or reskill in order to transfer, provisionally or permanently, to other sectors or to pursue alternative income-generating opportunities.

(c) Social security and income support measures

182. The financial hardship faced by homeworkers due to the pandemic is compounded by their lack of access to income support and social protection. In many countries, homeworkers, the majority of whom are in the informal economy, are not covered by the national social security system. They are also often excluded from the COVID-19 support measures taken by governments.

Bulgaria – While Bulgaria has ratified Convention No. 177,²⁸⁴ homeworkers are not covered by the social security system or by the COVID-19 support measures available to employees in enterprises.²⁸⁵

183. In most Asian countries, homeworkers are not covered by emergency relief packages, although certain measures, such as reduced electricity bills, have in some cases been granted to poor households.²⁸⁶

In *India*, under the national social security system, employees receive 70 per cent of their wages when they are on paid sick leave. However, homeworkers are not covered by the scheme, or by other cash transfer measures adopted during the pandemic.²⁸⁷

²⁸⁴ *Bulgaria* ratified Convention No. 177 on 17 July 2009.

²⁸⁵ Homeworkers in *India* and *Pakistan* face a similar dilemma. According to Homenet South Asia, a regional network of organized homeworkers with members in eight South Asian countries, the economic bail-outs introduced in *India* and *Pakistan* exclude the estimated 38 million self-employed and subcontracted homeworkers in those countries.

²⁸⁶ For example, *Cambodia*, *Lao People's Democratic Republic* and *Nepal*. See: WIEGO, [Home-Based Workers Face a New Kind of Isolation](#), July 2020.

²⁸⁷ See WIEGO, [The world's most vulnerable garment workers aren't in factories—and global brands need to step up to protect them](#), 21 April 2020.

► 4. Measures adopted to safeguard the rights of homeworkers in the context of crisis response and recovery packages

184. Some governments and employers have adopted measures to mitigate the catastrophic effects of loss of income during the pandemic, most of which are applicable to workers in the formal economy. But even where plans exist to provide relief for workers in the informal economy, homeworkers are excluded, or find it very difficult or impossible to claim the relief that is available.²⁸⁸

Thailand – The Government has announced a package including cash grants of 5,000 Bhat, equivalent to 50 per cent of the minimum wage, to help support Thailand's estimated almost 3.7 million homeworkers. The package also includes lower interest loans.²⁸⁹

185. The Committee notes the Call to Action made by brands and retailers/e-tailers, manufacturers, employers' organizations and trade unions, other stakeholders and development partners to address the difficult situation faced by workers in the garment sector, many of whom are homeworkers. The Call is intended to catalyse action across the global garment industry to help manufacturers survive the economic disruption caused by the pandemic and protect the income, health and employment of garment workers. As a result of the Call to Action, the ILO convened an International Working Group, coordinated by the International Organisation of Employers (IOE), the International Trade Union Confederation (ITUC), representatives of clothing brands and manufacturers, workers' and employers' organizations and governments, to further elaborate the implementation steps necessary to deliver on the commitments made.²⁹⁰

Germany – Within the framework of the Call to Action, the German Federal Ministry for Economic Cooperation and Development (BMZ) is providing €14.5 million to an ILO multi-donor programme to help garment sector workers affected by the pandemic in seven countries. The integrated strategy of the programme is intended to assist both workers and private sector businesses to rebuild their economic activity, mitigate further interruptions in the supply chain and provide direct support to garment sector workers, especially women in *Bangladesh, Cambodia, Ethiopia, Indonesia, Lao People's Democratic Republic, Madagascar* and *Viet Nam*. The initiative will build on the activities of three existing ILO areas of work, the Vision Zero Fund (VZF), social protection and the Better Work Programme, making use of their local networks and operations.

²⁸⁸ See [WIEGO, Home-based Workers Face a New Kind of Isolation](#).

²⁸⁹ WIEGO, [Home-Based Workers Face a New Kind of Isolation](#).

²⁹⁰ ILO, [COVID-19: Action in the Global Garment Industry](#), 22 April 2020. See also ILO, [ILO/Germany Programme to Protect Garment Workers Affected by COVID-19](#), Multi-donor programme, Press release, 8 September 2020.

186. Moreover, organized homeworkers have demonstrated the benefits of solidarity during the pandemic.

Bulgaria – Home-based workers adopted the original strategy of accompanying their claims to officials with gifts of their wares with a view to drawing attention to the importance of their products for people, local economies and traditions. The strategy was successful and the Council of Ministers, the President and municipal mayors have agreed to provide interest-free loans and other types of support.²⁹¹

Ethiopia – Organized home-based workers have established a task force to raise awareness and educate members about prevention. Women in Self Employment (WISE) is supplementing state distribution of basic food and sanitation products to the most vulnerable households among their 19,000 credit and savings cooperative members.²⁹²

Uruguay – The Single Trade Union of the Needle (SUA) has organized the production of reusable masks by its homeworking members. On 19 March 2020, the first 30,000 masks were completed for the Montevideo Police Union. The Uruguayan judiciary first ordered 6,000 masks to be used at trials and hearings, then increased its order to 20,000 masks. The Montevideo Municipal Office ordered 20,000 masks, then increased its order to 100,000, and the Uruguayan Air Force contacted SUA to request the development of 300 kits containing surgical robes, masks, caps and shoes.²⁹³

187. Similar initiatives have been launched in *Cambodia*, *Ethiopia* and *Kenya*.²⁹⁴

188. It remains to be seen whether teleworking will continue to grow at the rapid pace seen during the pandemic. However, it appears likely that teleworking is here to stay. For all its devastation, the pandemic has nevertheless provided a timely opportunity to reflect on how this modality of work could afford adequate protections and safeguards to ensure decent working conditions for the millions of largely invisible workers who work from their own homes.

Slovenia – At the initiative of the social partners (at the 330th Session of the Economic and Social Council on 3 July 2020), the Ministry of Labour, Family, Social Affairs and Equal Opportunities began activities relating to the ratification of Convention No. 177. The ratification will contribute to create awareness and information of workers and employers regarding the possibilities of working from home and the relevant legal framework that enables the organisation of homeworking.

²⁹¹ Leslie Vryenhoek, [Innovation and Unity: How Home-Based Workers are Adapting to the COVID-19 World](#), WIEGO, 11 May 2020.

²⁹² WIEGO, *Home-Based Workers Face a New Kind of Isolation*.

²⁹³ WIEGO, “Experiencia del Sindicato único de la aguja de Uruguay”, 23 de abril de 2020.

²⁹⁴ WIEGO, *Home-Based Workers Face a New Kind of Isolation*.

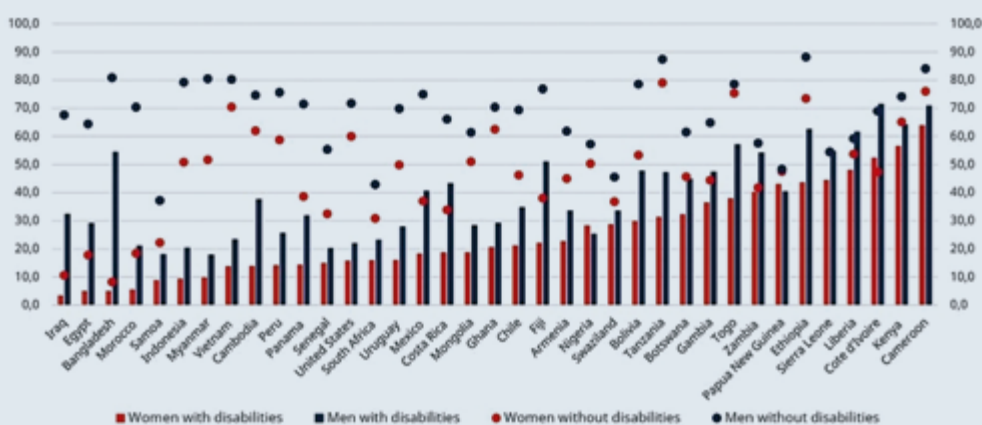
Part V

Ensuring a disability-inclusive response to COVID-19

189. As emphasized in the 2020 General Survey,²⁹⁵ persons with disabilities already tend to face discrimination and exclusion in employment, which has been exacerbated by the pandemic. Despite accounting for some 15 per cent of the world population,²⁹⁶ persons with disabilities are less likely to be in employment and to have decent working conditions than those without disabilities. They tend to experience higher levels of poverty, including extreme poverty, than other groups, and incur greater costs than persons without disabilities.²⁹⁷

Figure 5.1

Employment-to-population ratio by disability status and sex, most recent ILO data



190. As shown in figure 1 above, men and women with disabilities have significantly lower employment rates than their non-disabled counterparts. Moreover, women with disabilities have uniformly lower rates of employment than men with disabilities. According to United Nations data, across eight geographical regions measured, the employment to population ratio for persons with disabilities aged 15 and older is 36 per cent on average, compared to 60 per cent for persons without disabilities.²⁹⁸

The *CUT* and the *CTC*, indicate that, according to the Registry of Persons with Disabilities, 6.3 per cent of the Colombian population has some type of disability, of which only 28 per cent are in employment. Furthermore, they highlight that there is no national policy on vocational rehabilitation and employment of persons with disabilities and that the measures adopted are intended only to protect from dismissal persons with disabilities who are already working, and not to promote their access to employment or the implementation of reasonable accommodations.

²⁹⁵ ILO, General Survey of 2020, Chapter 5.

²⁹⁶ WHO and World Bank, [World Report on Disability](#), 2011.

²⁹⁷ Sophie Mitra et al., "Extra Costs of Living with a Disability: A Review and Agenda for Research", *Disability and Health Journal* 10, No. 4 (2017), 475–484.

²⁹⁸ See United Nations Department of Economic and Social Affairs (UNDESA), [Disability and Development Report: Realizing the Sustainable Development Goals by, for and with Persons with Disabilities](#), 2018, 152–154.

191. Persons with disabilities are also over-represented in the informal economy, where they are likely to be at greater risk of exposure to the virus, but have little or no access to health services or social protection.²⁹⁹ They are also more likely to be self-employed, or to be in part-time work, and to earn lower wages. The situation is compounded for women and older persons with disabilities. It is estimated that 46 per cent of persons aged 60 years and over have a disability, and one-in-five women are likely to experience a disability over the course of their lives.³⁰⁰

192. Persons with disabilities face a number of obstacles that play a significant role in limiting their job opportunities, including lower education levels, discrimination, stigma, negative attitudes concerning their capabilities, lack of accessible transport to and from work, and inaccessible workplaces, as well as a lack of reasonable accommodation.³⁰¹ Persons with multiple, severe or psychosocial disabilities are even less likely to be employed than persons with other types of disabilities.³⁰²

Brazil – The Government indicates in its report that it has recently passed the Inclusion Law (Law No. 13,146/2015 which provides for an inclusion aid for persons with disabilities to encourage their entrance in the labour market. Furthermore the Government refers to the National Service for Industrial Learning (SENAI) projects designed to promote accessibility and inclusion for people with disabilities and to other initiatives by manufacturing companies such as the “*Moda para todos*” initiative (that designs clothes for persons with disabilities).

Myanmar – In its report, the Government indicates that section 23 of the Law on the Rights of Persons with disabilities adopted on June 2020 states that persons with disabilities should not be denied admission to work due to their disability. The Government further indicates that the training institutions in the country provide adequate training to the persons with disabilities according to their vocation.

193. The pandemic has starkly accentuated existing stigma relating to persons with disabilities, and their consequent inequalities. On 9 June 2020, the United Nations Committee on the Rights of Persons with Disabilities (CRPD) expressed grave concern at the devastating impact of the pandemic on persons with disabilities, noting that the crisis has exposed and deepened existing vulnerabilities and risks that are underpinned by entrenched discrimination and inequality.³⁰³ The CRPD noted that, while many persons with disabilities have health conditions that make them more susceptible to COVID-19, they are also one of the most excluded groups in terms of health prevention and response actions, and economic and support measures.

²⁹⁹ ILO, UNICEF, United Nations Partnership on the Rights of Persons with Disabilities, International Disability Alliance, United Nations Special Rapporteur on the Rights of Persons with Disabilities, [Disability Inclusive Social Protection Response to COVID-19 Crisis](#), Brief, 2020.

³⁰⁰ UN, [Policy Brief: A Disability-Inclusive Response to COVID-19](#), May 2020, 4.

³⁰¹ UNDESA, *Disability and Development Report*, 152.

³⁰² UNDESA, *Disability and Development Report*, 155.

³⁰³ United Nations Committee on the Rights of Persons with Disabilities, [“Statement on COVID-19 and the Human Rights of Persons with Disabilities”](#), 9 June 2020.

► 1. The disproportionate impact of COVID-19 on persons with disabilities

194. Persons with disabilities are at greater risk of contracting COVID-19. Many persons with disabilities face specific health-related challenges that are compounded by COVID-19. According to the WHO, persons with disabilities may be at greater risk of contracting the virus due to a range of factors. These include barriers to accessing basic hygiene measures (if access to water or hand-washing facilities is difficult) and difficulties in ensuring social distancing due to support needs and in accessing public health information.³⁰⁴ If they are exposed to the virus, they may be at greater risk of developing serious disease due to underlying health issues,³⁰⁵ and the risk may be further aggravated by barriers that impede their access to healthcare and support services.

195. COVID-19 has created new barriers for persons with disabilities, which prevent or impede their access to services and support. Persons with disabilities may be significantly affected by disruptions to the services on which they normally rely. Access to medication or assistive devices, as well as to basic staples, such as food, may be limited and require persons with disabilities to go through areas that may be crowded (making physical distancing difficult, if not impossible), or that may be difficult to access due to physical barriers.

“It is difficult for me to respect social distancing and hygiene rules because people with visual impairments always need a sighted guide when going to a new place and have to touch to identify objects and orient themselves”.³⁰⁶

196. These challenges may be compounded by a shortage of qualified carers, who may themselves pose a health risk to persons with disabilities. The situation is particularly difficult for persons with disabilities who rely on care workers to enable them to participate in the labour market and lead lives outside restrictive institutions.³⁰⁷ Additional measures are therefore needed to ensure that persons with disabilities have access to health and care services, water, sanitation and public health information during the pandemic.

197. Social isolation and loneliness during imposed lockdowns and quarantines are a common occurrence linked to mental health conditions. Risk containment measures, such as self-isolation and lockdown, may limit the access of persons with disabilities to the carers on whom they normally rely, and may also have a significant psychological impact. Social isolation resulting from lockdown for those unable to work, and for those working from home, has given rise to higher than usual levels of anxiety, depression and other emotional and psychological conditions affecting many persons, including persons with disabilities.³⁰⁸

³⁰⁴ WHO, [Disability Considerations during the COVID-19 Outbreak, 2020](#).

³⁰⁵ WHO, [Disability Considerations during the COVID-19 Outbreak](#).

³⁰⁶ UNDP, [Rapid Assessment of the Socio-Economic Impact of COVID-19 on Persons with Disabilities in Viet Nam, 11 May 2020, 7](#).

³⁰⁷ Sophie Mitra and Douglas Kruse, “[Are workers with disabilities more likely to be displaced?](#)”, *International Journal of Human Resource Management* 27, No. 14 (2016), 1–30, in which the authors find that in the *United States*, over the 2007–13 period, 75 per cent of men with disabilities and 89 per cent of women with disabilities were more likely to experience an involuntary job loss than men and women without disabilities; Michelle Maroto and David Pettinicchio, “[An Unequal Labor Market means that COVID-19 has been Especially Harmful for Vulnerable Groups, including People with Disabilities](#)”, *London School of Economics USCentre Blog*, 21 May 2020.

³⁰⁸ UN, [Policy Brief: COVID 19 and the Need for Action on Mental Health](#), 13 May 2020.

Japan – Statistics compiled by the Government show that suicide claimed more lives in October 2020 alone than Covid-19 has to date. The number of suicides in the country per month rose sharply to 2,153 in October 2020, according to Japan's National Police Agency while from the beginning of 2020 until the end of October, the total number of deaths in the country attributable to Covid-19 stood at 2,087, according to the Ministry of Health. These alarming statistics indicating rising rates of suicide could provide valuable insights into the impact of pandemic-related measures on mental health, in addition to helping identify those groups that may be at higher risk. While the reasons for Japan's high suicide rate are complex, long working hours, school pressures, social isolation and cultural stigma around mental health issues have all been cited as contributing factors. The rate of suicides in Japan had been decreasing in Japan over the past decade, falling to about 20,000 in 2019. The pandemic appears to have reversed this trend, however. While women represent a smaller proportion of total suicides than men, the number of women taking their own lives has increased disproportionately. In October 2020, suicides among women in Japan increased almost 83% compared to the same month the previous year.³⁰⁹

198. Persons with disabilities, especially women and older persons, are particularly disadvantaged by the socio-economic consequences of the pandemic. Lower rates of employment are consistently observed for persons with disabilities, with an employment gap in relation to persons without disabilities found in all regions of the world that ranges between 18 percentage points in sub-Saharan Africa and 39 percentage points in northern America. Moreover, in all regions, women with disabilities are less likely to be employed than men with disabilities and than persons without disabilities.³¹⁰

199. If persons with disabilities are in employment, they are more likely to lose their jobs and livelihoods than persons without disabilities. The enormous job losses due to the pandemic have placed persons with disabilities at an even greater disadvantage in relation to persons without disabilities, and they are more likely to experience difficulties in returning to work during the recovery phase.³¹¹ According to Citizens' Advice, one-in six (17 per cent) of the working population in the *United Kingdom* are facing redundancy during the pandemic; however, this figure rises to 37 per cent (one-in-four) for persons whose disabilities have a substantial impact on their activities.³¹² A rapid assessment carried out by the UNDP in May 2020 of persons with disabilities in *Viet Nam* found that 96 per cent of survey respondents expressed concern for their financial security.³¹³ In this respect, many persons with disabilities report barriers or denial of reasonable accommodations as obstacles preventing them from working.

200. The socio-economic shocks caused by the pandemic have magnified existing inequalities affecting persons with disabilities, especially older women and older persons with disabilities.³¹⁴ In particular, during lockdown, the concentration of health resources on treating COVID-19 patients and the shortages of care workers have had a significant impact on persons with disabilities, creating barriers to access to health services and pushing persons with disabilities, particularly older persons with disabilities, into even greater marginalization and isolation.³¹⁵

³⁰⁹ CNN, [In Japan, more people died from suicide last month than from Covid in all of 2020. And Women have been impacted most.](#)

³¹⁰ UNDESA, *Disability and Development Report*, 152–153.

³¹¹ UN, *Policy Brief: A Disability-Inclusive Response to COVID-19*.

³¹² Citizens Advice, "[An Unequal Crisis](#)", 6 August 2020.

³¹³ UNDP, *Rapid Assessment of the Socio-Economic Impact of COVID-19 on Persons with Disabilities in Viet Nam*.

³¹⁴ UN, [Policy Brief: The Impact of COVID-19 on Older Persons](#), May 2020. The policy brief has been supported by a [Joint Statement](#) signed by 138 Member States and Observers.

³¹⁵ UN, *Policy Brief: A Disability-Inclusive Response to COVID-19*, 4.

The incidence of COVID-19 in care homes and institutions has resulted in extremely high fatality rates. Moreover, older persons with disabilities who are quarantined or in lockdown with family members or carers may also face higher risks of violence, abuse or neglect.³¹⁶ The pandemic has placed enormous strain on national health systems, leading to instances of healthcare rationing, including triage protocols, when the insufficiency of care and treatment resources has resulted in the need to take life-or-death decisions, such as which critically ill patients are put on ventilators, often based on discriminatory criteria, such as age or assumptions about quality of life or life expectancy based on disability.³¹⁷

201. Moreover, persons with disabilities, and particularly women and girls, have faced a greater risk of domestic violence, which has escalated during the crisis.³¹⁸ The Specialised Training & Disability Centre of the Employers' Federation of Ceylon (*Sri Lanka*) has highlighted the need for measures to ensure accessible reporting mechanisms and victim assistance services for women and girls with disabilities facing domestic violence and harassment.³¹⁹ It is important for responses designed to address these concerns to be coordinated with the persons concerned, their families, caregivers, local communities, health institutions and other relevant authorities.

► 2. A disability-inclusive response and recovery

202. The United Nations Secretary-General has called for a disability-inclusive COVID-19 response based on an integrated approach to ensure that persons with disabilities are not left behind in the response and recovery.³²⁰ The strategy sets out four overarching areas of action applicable to all aspects of crisis response and recovery, aimed at ensuring:

- the mainstreaming of disability in all responses and recovery measures, together with targeted disability-specific measures to ensure the systematic inclusion of persons with disabilities;
- the accessibility of information, facilities, services and programmes;
- meaningful consultation with and active participation of persons with disabilities and their representative organizations at all stages of the response and recovery; and;
- the establishment of accountability mechanisms to ensure disability inclusion.

203. An ILO policy brief on COVID-19 and the world of work, focusing on the inclusion of persons with disabilities at all stages of the response, reviews the key issues to be addressed in the response, within the framework of the ILO's four-pillar policy framework for tackling the socio-economic impact of the crisis.³²¹ The ILO has also launched a call for action urging all stakeholders to include persons with disabilities as a central element of all COVID-19 response and recovery initiatives.³²²

³¹⁶ UN, *Policy Brief: The Impact of COVID-19 on Older Persons*, 3.

³¹⁷ UN, *Policy Brief: The Impact of COVID-19 on Older Persons*, 5; Samuel R. Bagenstos, "[May Hospitals withhold Ventilators from COVID-19 Patients with Existing Disabilities? Notes on the Law and Ethics of Disability-Based Medical Rationing](#)", (24 March 2020), 130 *Yale Law Journal Forum*, (2020 Forthcoming), or [Univ. of Michigan Public Law Research Paper No. 670](#). See also K. Liddell, et al., "[Who gets the ventilator? Important legal rights in a pandemic](#)", 11 May 2020.

³¹⁸ UN, *Policy Brief: The Impact of COVID-19 on Older Persons*.

³¹⁹ ILO, [COVID-19 and the World of Work: Ensuring the Inclusion of Persons with Disabilities at all Stages of the Response](#), Policy Brief, June 2020.

³²⁰ UN, *Policy Brief: A Disability-Inclusive Response to COVID-19*.

³²¹ ILO, *A Policy Framework*.

³²² ILO, "[No one Left Behind, Not Now, Not Ever: Persons with Disabilities in the COVID-19 Response](#)", 8 April 2020.

204. In light of the ILO policy framework, the Committee examines below the range of measures taken by ILO constituents with a view to promoting employment and decent work for persons with disabilities in their crisis response and recovery measures.

Austria – In its report, the Government indicates that there will be more flexible subsidies for employers that employ people with disabilities, for more secure jobs.

The *ITUC* stresses that persons with disabilities are more likely to encounter discrimination at the workplace during the pandemic, emphasizing that States should respect their obligation to ensure non-discrimination with respect to people with disabilities. The *ITUC* calls for recovery plans to prohibit discrimination on the basis of disability as well as on multiple grounds. Measures should also be taken to ensure that persons with disabilities benefit from OSH protections.

The *BDA* from Germany indicates that German employers take their responsibilities in the area of disabilities seriously and actively advocate training, professional inclusion and the ongoing reduction of unemployment for people with disabilities. In addition, the *BDA* has encouraged enterprises to provide training and employment to people with disabilities. The website: <http://www.inklusion-gelingt.de/> offers extensive information to employers in this regard. Successful examples of inclusion for the benefit of all those involved, which should encourage copycat initiatives, are also annually awarded the Inclusion Prize for Business. The prize is awarded by the business forum jointly with the Federal Employment Agency, the Charta der Vielfalt (diversity charter, a corporate initiative) and the *BDA*. The *BDA* will continue to share examples, demonstrating the successful results of inclusive practices that actively integrate persons with disabilities in employment and professional life.³²³

United Kingdom – In its report, the Government indicates that the Department for Work and Pensions will be bringing forward a Green Paper on health and disability support, which will explore how the welfare system and wider support can better meet the needs of claimants with disabilities and health conditions now and in the future, to build a system that people trust and that enables them to live independently and move into work where possible. This Green Paper will build on the response to Improving Lives, including the commitment to reform the work capability assessment. The Government is committed to working with people with disabilities and health conditions to build a system that works for them. The Green Paper will be strongly influenced by the views of people with disabilities and representatives from disability organizations, drawing on the significant engagement the Government has conducted to date and which will continue.

³²³ Similarly, the Government of *Slovenia* indicates that the active labour market policies focus on the inclusion of workers with disabilities. In addition, the programme *Employ.me* also includes persons with disabilities (10 per cent).

(a) Protection of workers with disabilities at the workplace

205. The crisis has led to a change in the structure and organization of work in many businesses, with the aim of reducing risks for workers with and without disabilities. Enterprises that take a disability-inclusive approach can play an important role in safeguarding the interests of workers with disabilities. A survey carried out in May 2020 by the ILO Global Business and Disability Network (GBDN) shows that the most common initiatives taken by enterprises that are members of National Business and Disability Networks are to authorize telework (69 per cent), flexible working hours (56 per cent) and paid leave (32 per cent). In addition, 88 per cent of the respondent enterprises indicated that their business plans are inclusive of persons with disabilities and that these plans include the provision of mental health support for employees with and without disabilities.³²⁴

206. Persons with disabilities who continue to work may need specific protection or accommodations to enable them to work safely. Those who own their own businesses or work in the informal economy may need tailored support to enable them to continue working. Those who are able to perform their work using alternative arrangements, such as telework, may require reasonable accommodation to allow them access to digital platforms or to participate in online meetings or conferences.

207. Persons with disabilities, including workers with disabilities, should be provided with accessible and updated information on the health risks of COVID-19 and how to protect themselves and prevent further transmission. For example, Inclusion Europe has launched easy-to-read information about coronavirus available in many languages.³²⁵ Communication strategies could include sign language interpretation, websites accessible to persons with different types of disabilities and telephone text services for persons who are deaf or hard of hearing.

(b) Reasonable accommodations and access to assistive technology during the crisis

208. Many persons with disabilities report barriers or the denial of reasonable accommodations as obstacles to the performance of work. Reasonable accommodations at workplaces can vary from no- or low-cost solutions, such as flexible working hours or the provision of an entrance ramp, to assistive devices, such as screen reading software, which is more costly and less readily available.

209. COVID-19 control measures, including the lockdowns imposed in many countries, have led to a surge in teleworking for many who are able to do so.³²⁶ Where necessary assistive technology is not available during the pandemic, this may mean the difference between employment and unemployment for persons with disabilities. Employers' organizations have provided guidance on how their members can best support employees with disabilities through reasonable accommodations, where required, to enable them to telework.³²⁷ Trade unions have also developed guidance on reasonable accommodations during the crisis.

³²⁴ ILO, ["Disability Inclusion in Company Responses to COVID-19: Results of a Survey among National Business and Disability Networks and their Members"](#), 2020. In May 2020, the ILO GBDN carried out two surveys, one for National Business and Disability Networks (NBDN) and one for NBDN company members. The objective of the surveys was to identify good practices and gaps in responding to COVID-19 in a disability-inclusive manner. A total of 159 companies in 22 countries (in four regions) participated in the company survey and 19 national networks participated in the NBDN survey.

³²⁵ Inclusion Europe, ["Easy-to-read Information about Coronavirus Available in Many Languages"](#), March 2020.

³²⁶ In Germany for example, labour courts have held that section 164 of the Social Code SGB IX concerning severely disabled persons who "are entitled to employment in which they can make the most of their skills and knowledge and develop them further" can include the right to telework.

³²⁷ ILO, [An Employer's Guide on Working from Home in Response to the Outbreak of COVID-19](#), 2020.

The Trades Union Congress of the United Kingdom (TUC) has issued a guide to help trade union representatives address issues that may arise in the context of teleworking arrangements for workers with disabilities.³²⁸ For example, the guide notes that workers with disabilities who are teleworking may require reasonable adjustments to enable them to participate in video or telephone conferences with colleagues. These could include using a speech or text provider, or a special phone.

210. These measures offer examples of good practices to help workers with disabilities continue working in the workplace or from home. For other workers with disabilities who are unable to telework, other means of support need to be ensured, including skills development and the expansion of social protection coverage for those most affected by the crisis.

(c) Access to education and skills development opportunities

211. The pandemic has disrupted access to education and vocational training for students and jobseekers around the world. According to the United Nations, although reliable data are not yet available, it is likely that the pandemic has exacerbated the exclusion of persons with disabilities from education. Lack of internet access, support, accessible software and educational materials, particularly in developing countries, means that learners with disabilities are less likely to benefit from online learning solutions. Moreover, interruptions of vocational education and training programmes, particularly work-based learning programmes, will undoubtedly have a significant effect on young persons with disabilities, who already face difficulties entering the labour market.³²⁹

Philippines – The Philippines Business and Disability Network has launched a reskilling initiative to help workers with disabilities acquire skills to enable them to access post-crisis jobs.³³⁰

(d) The crucial importance of targeted disability-specific social protection

212. In view of their high incidence in informal employment, many persons with disabilities have little or no access to social protection, and particularly health insurance, unemployment benefit, maternity protection and social security benefits, which are all the more necessary during and in the aftermath of the pandemic. Globally, only 28 per cent of persons with significant disabilities have access to social protection benefits, and only 1 per cent in low-income countries.³³¹ The coverage gaps are significant in some developing countries, where fewer than 20 per cent of older persons of retirement age are in receipt of a pension.

213. Urgent targeted support measures have been taken in a number of countries for persons with disabilities who are self-employed or in the informal economy to provide them with income support and enable them to take the necessary precautions to avoid infection and further transmission of the virus. These measures often consist of:³³²

- ▶ cash transfers;
- ▶ in kind support;
- ▶ adapted delivery mechanisms; and/or
- ▶ flexible working arrangements.

³²⁸ Quinn Roache, “[Covid-19 and Reasonable Adjustments: Guide for Reps](#)” (TUC, 22 April 2020).

³²⁹ UN, *Policy Brief: A Disability-Inclusive Response to COVID-19*, 4.

³³⁰ ILO, *COVID-19 and the World of Work*, 2; ILO, “Disability Inclusion in Company Responses to COVID-19”.

³³¹ UN, *Policy Brief: A Disability-Inclusive Response to COVID-19*.

³³² ILO, *COVID-19 and the World of Work*.

214. In many countries, cash payments to persons with disabilities who were already receiving benefits have been increased or extended.³³³

Fiji – The Employment Taxation Scheme (ETS) incentives for employees with disabilities who are employed for three years will increase from 300 to 400 per cent.³³⁴

215. In other countries, administrative requirements have been relaxed to facilitate continued access to benefit, including the adaptation of benefit delivery mechanisms that take into account lockdown restrictions to prevent exposure to the virus. For example, in *South Africa*, specific dates have been established for the withdrawal of benefits with a view to preventing crowding. In *Albania* and *Armenia*, measures have been taken for the home delivery of cash transfers, and in the *Russian Federation*, online registration and remote access to disability certificates have been introduced.³³⁵

United States – Tax relief measures have been adopted to help alleviate the financial situation of persons with disabilities in the context of the pandemic.³³⁶

216. The Committee also notes that in a number of countries paid leave has been provided for parents or family members of persons with disabilities to ensure continued income support.

Cyprus – A child care special leave allowance is available for working parents who are responsible for the care of children up to 15 years of age and/or children with disabilities of any age who, due to the nature of their work, cannot telework or work from home or under a flexible working hours arrangement, provided there is no in-house assistance.³³⁷

Italy – In response to the pandemic, employees with children up to 12 years of age (there is no age limit for children with certified disabilities) can benefit from up to 15 days paid parental leave, paid by the social security and covering up to 50 per cent of their remuneration.³³⁸

217. In a number of countries, in-kind support has been provided in the form of food or non-food items and home-based support services.

³³³ For instance, coverage has been expanded in *Rwanda* and *Sri Lanka* to include more persons with disabilities. In *Argentina*, *Chile* and *Peru*, persons receiving disability benefits will be provided with an additional amount in light of the COVID-19 crisis. See Office of the High Commissioner for Human Rights, [COVID-19 and the Rights of Persons with Disabilities: Guidance](#), 29 April 2020, 5.

³³⁴ KPMG, [Government and institution measures in response to COVID-19](#), Update 20, 16 April 2020.

³³⁵ KPMG, *Government and institution measures in response to COVID-19*, 3.

³³⁶ Government of the *United States*, [“Tax help for people with disabilities”](#).

³³⁷ KPMG, [“Cyprus: Government and Institution Measures in Response to COVID-19”](#), Updated on 14 May 2020.

³³⁸ [Legislative Decree No. 18 of 17 March 2020](#) establishing measures to strengthen the national health service and provide financial support for families, workers and enterprises in the context of the COVID-19 epidemiological emergency.

218. Moreover, during the crisis, persons with disabilities may need support to access unemployment benefits, social security or other protection measures, particularly in cases where they are prevented from being able to access these benefits due to COVID-19-related restrictions on movement, or to disruptions in their social and care networks during the pandemic. Measures to address this situation have been taken in a number of countries.

Malta – Persons with disabilities who have to stay at home due to health concerns arising as a consequence of the pandemic, and who cannot telework, are entitled to a benefit of €800 a month for a specified period (€500 a month for part-time workers).³³⁹

(e) The importance of designing, implementing, monitoring and reviewing response and recovery measures in consultation with organizations of and for persons with disabilities

219. It is important for persons with disabilities to be included as active participants in the development and implementation of all response and recovery measures, both during the pandemic and in its aftermath. The Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), in Article 5, calls for consultation with the representative organizations of employers and workers, as well as the representative organizations of and for persons with disabilities, on the measures taken to promote the vocational rehabilitation and employment of persons with disabilities. Article 3 of the United Nations Convention on the Rights of Persons with Disabilities affirms the general principle of the full and effective participation of persons with disabilities in society. The close meaningful consultation and active involvement of persons with disabilities and their representative organizations at all stages of the recovery and response to the pandemic is essential to ensure the design and implementation of response measures that are effective and inclusive.

220. The Committee recalls that persons with disabilities are an extremely diverse population, and that they have first-hand awareness and experience of living with disability that those who are not living with these disabilities do not have. As a result, they have an important and unique contribution to make to the development and implementation of immediate crisis response measures, as well as longer-term measures to ensure an inclusive recovery. Their unique perspectives and experiences of the myriad forms of disability provide opportunities for the development of innovative solutions to the current challenges.

Canada – The COVID-19 Disability Advisory Group has been established with the participation of persons with disabilities and their representative organizations to advise the Government on disability-specific issues, challenges and systemic gaps and strategies, and the measures and steps to be taken.³⁴⁰ Furthermore, in the framework of Canada's COVID-19 Economic Response Plan, the Government provides a special one-time, tax-free, non-reportable payment of \$600 to help Canadians with disabilities that are holders of a valid Disability Tax Credit certificate or are beneficiaries as at 1 July 2020 of: Canada Pension Plan Disability; Quebec Pension Plan Disability Pension; or disability supports provided by Veterans Affairs Canada.

³³⁹ Lexology, "[COVID-19: Malta Financial Aid Package and Measures](#)", 23 March 2020.

³⁴⁰ Government of Canada, "[Background: COVID-19 Disability Advisory Group](#)". In its report, the Government further informs that the Government of Quebec has launched the National Strategy for the integration of persons with disabilities.

Part VI

Building a better future for all

221. The objective of the instruments examined in the General Survey is the development and implementation of comprehensive national employment policies which not only cover all aspects of economic growth and employment, but are also inclusive, consensus-based and ensure equality of opportunity and treatment for all. This part of the Addendum examines the situation of certain groups of people who were already vulnerable to poverty, discrimination and exclusion, and are now among those worst affected by the pandemic.

222. The Committee recalls that global pandemics, such as the HIV pandemic, and now COVID-19, tend to follow the fault lines of society, throwing existing inequalities into sharp relief. It is therefore essential to address these inequalities, both to safeguard public health and to attain the goal of decent work for all.³⁴¹ In this context, Recommendation No. 205 sets out key principles for the development and implementation of policy responses that promote employment and decent work as foundations for crisis response and recovery. In particular, the Recommendation indicates that, in taking measures to promote full, productive and freely chosen employment and decent work in response to crisis situations, Members should take into account the “the need to pay special attention to population groups and individuals who have been made particularly vulnerable by the crisis”.³⁴²

223. The Committee notes that targeted measures have been taken in many countries in response to the COVID-19 pandemic that are tailored to the needs of specific groups in vulnerable situations.³⁴³ While both the measures taken and the groups targeted differ according to the socio-economic circumstances of each country, they all have the welcome objective of providing necessary support for specific groups of people during and beyond the crisis.

Portugal – The Government indicates in its report that as part of efforts to ensure the creation of sustainable high-quality jobs that offer some stability to workers, particularly those in situations of greater vulnerability, Ordinance No. 207/2020 of 27 August requires employers to maintain the worker’s contract of employment at the same level for a period of 24 months. In addition, the employer is required to provide the worker with vocational training. Portugal has also taken measures to ensure that all persons, including migrants and refugees, regardless of status, are guaranteed access to the National Health Service (SNS).

³⁴¹ The ILO Centenary Declaration for the Future of Work, 2019, emphasizes that it is “imperative to act with urgency to seize the opportunities and address the challenges to shape a fair, inclusive and secure future of work with full, productive and freely chosen employment and decent work for all”, para. I(B). [Sustainable Development Goal \(SDG\) No. 8](#) establishes the objective of promoting “sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”.

³⁴² Para. 7(h).

³⁴³ ILO, “COVID-19 and the World of Work: Impact and Policy Responses”, ILO Monitor, 1st ed., 18 March 2020.

► 1. Disadvantaged groups who were already vulnerable to socio-economic shocks have been hit the hardest

224. The Committee observes that the COVID-19 pandemic has resulted in disparate employment-related effects, with notable variations across regions, countries and economic sectors. COVID-19 knows no national or class boundaries and can infect anyone in any country or at any level of society. However, existing inequalities mean that not everyone has adequate resources to be able to protect themselves and their families from the socio-economic and health impacts of the pandemic.³⁴⁴ The virus and the containment measures adopted have led to disproportionate and adverse impacts on persons who were already vulnerable, including the groups identified in the instruments under examination, such as young people, persons with disabilities, migrant workers, older workers, domestic workers, indigenous and tribal peoples, people living with or affected by HIV and those living in rural areas. The severe impacts of COVID-19 on persons in vulnerable situations is due to a number of factors. First, they are more likely to be concentrated in poorly remunerated jobs in the economic sectors most affected by the pandemic. Second, workers in vulnerable situations are more likely to be in informal jobs, or in precarious employment under part-time, temporary or casual arrangements, and are therefore extremely vulnerable to economic shocks.

Intersectional or multiple grounds of discrimination

225. The Committee emphasizes that, where individuals belong to more than one disadvantaged group, multiple and intersectional discrimination compound and exacerbate existing inequalities,³⁴⁵ affecting both health³⁴⁶ and economic outcomes.³⁴⁷ Intersections occur not only between different groups, such as women with disabilities, but also with other characteristics, such as sex, age, race, cultural background and socio-economic status. Policy responses to the crisis need to take into account both multiple and intersecting forms of discrimination and inequalities, including pervasive gender inequality.³⁴⁸

226. Moreover, as countries have implemented social distancing, quarantine and other containment measures, the data shows higher infection rates and deaths among specific minorities. For example, in the *United States*, there is evidence that the disparate effect of the virus on African-Americans is at least in part a function of their disproportionate role as frontline essential workers, in conjunction with their long-standing health and social inequalities, including less access to health insurance, poor health service coverage in certain geographical areas, and unconscious bias among health providers.³⁴⁹ Not only does

³⁴⁴ Marion Police, "[Le coronavirus, exhausteur d'inégalités](#)", *Le Temps*, 13 March 2020.

³⁴⁵ The United Nations Committee on Economic, Social and Cultural Rights, in its [General Comment No. 20](#) on non-discrimination in economic, social and cultural rights, highlighted that: "Some individuals or groups of individuals face discrimination on more than one of the prohibited grounds, for example women belonging to an ethnic or religious minority. Such *cumulative discrimination* has a unique and specific impact on individuals and merits particular consideration and remedying".

³⁴⁶ For instance, evidence shows that the COVID-19 pandemic could be disproportionately affecting people from black, Asian, and minority ethnic (BAME) communities. See Tony Kirby, "[Evidence Mounts on the Disproportionate Effect of COVID-19 on Ethnic Minorities](#)", *The Lancet* 8, No. 6 (2020), 547–548.

³⁴⁷ For instance, minority women in particular face compound hardship during the COVID-19 crisis, given the intersecting burdens they face due to gender discrimination and inequality. For example, women, including minority women, are disproportionately represented in informal sector jobs that are more vulnerable to disruption and which fail to provide health coverage or paid leave. Rural and poor minority women are often responsible for collecting water in crowded public spaces to cover basic needs. See OHCHR, "[COVID-19 and Minority Rights: Overview and Promising Practices](#)", COVID-19 response, 4 June 2020, 1.

³⁴⁸ United Nations Secretary-General, António Guterres, "[We Are All In This Together: Human Rights and COVID-19 Response and Recovery](#)", 23 April 2020.

³⁴⁹ Hye Jin Rho et al., Center for Economic and Policy Research, "[A Basic Demographic Profile of Workers in Front-line Industries \(2020\)](#)". Kenya Evelyn, "[It's a Racial Justice Issue: Black Americans are Dying in Greater Numbers from Covid19](#)", *The Guardian*, 8 April 2020.

intersectional discrimination lead to increased poverty, it also gives rise to a higher risk of infection and poorer health outcomes. In many low-income communities around the world, the poorest lack access to basic water, sanitation and hygiene to protect themselves from the virus.³⁵⁰ Social stigmatization not only keeps those who are marginalized in poverty, it also impedes efficient health responses.³⁵¹

227. In addition to the stigma, discrimination and exclusion already encountered by disadvantaged groups,³⁵² they are now also facing rising levels of violence and harassment. Incidents have been reported in all regions of xenophobia, attacks against people from groups scapegoated for spreading the virus,³⁵³ the forced return of refugees and asylum-seekers and the mistreatment of migrants.³⁵⁴

228. The Committee emphasizes that, in developing and implementing crisis response and recovery measures in the short and longer term, it is crucial to take into account the need to combat discrimination, prejudice and hatred on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, disability, age or sexual orientation, or any other grounds.³⁵⁵ It also urges countries to take action against multiple and intersectional discrimination. In this context, the Committee welcomes the specific measures adopted in a number of countries to address the rising tide of stigma, discrimination and violence against certain groups.

Philippines – The COVID-19 Related Anti-Discrimination Act establishes penalties for discriminatory practices against confirmed, suspect, probable and recovered COVID-19 patients, repatriated land-based or sea-based Filipinos, healthcare workers, responders, service workers and their families and household members. Discriminatory acts include harassment and assault, stigmatization, failure to provide assistance, and unlawful refusal to honour valid and existing contracts.³⁵⁶

European Parliament Resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences

In its resolution, the European Parliament calls on both the Commission and Member States to take all measures to maintain as many jobs as possible, paying special attention to those in precarious forms of work. It also calls on them to prioritize aid and crisis-mitigation measures for the most vulnerable citizens, including women and children exposed to domestic violence, the elderly, people with disabilities, ethnic minorities and people from remote and isolated regions, and people at risk of poverty or social exclusion, who all run the greatest risk of being infected with COVID-19, but also suffer the most from its economic effects.³⁵⁷

³⁵⁰ Michelle Lokot and Yeva Avakyan, “Intersectionality as a Lens to the COVID-19 Pandemic: Implications for Sexual and Reproductive Health in Development and Humanitarian Contexts”, *Sexual and Reproductive Health Matters*, 28(1), 2020.

³⁵¹ UNICEF, “Quick Guide to Avoiding Coronavirus-related Stigma”, 20 March 2020; WHO, “A Guide to Preventing and Addressing Social Stigma Associated with COVID-19”, 24 February 2020.

³⁵² They are also at greater risk from the virus itself. See, for instance, CDC, “Health Equity Considerations and Racial and Ethnic Minority Groups”, updated on 24 July 2020.

³⁵³ In some countries, leaders have used terms such as “foreigner’s disease” to describe COVID-19. In various locations, Christians, Jews, Muslims, Roma or people of Asian origin have all borne the brunt of such abuse. Migrants, refugees and asylum seekers from different minority groups have also been similarly stigmatized. See OHCHR, “COVID-19 and Minority Rights: Overview and Promising Practices”, Topics in Focus COVID-19 and Minority Rights, 4 June 2020.

³⁵⁴ United Nations Secretary-General: “We Are All In This Together”, 2020.

³⁵⁵ Recommendation No. 205, Para. 7(f).

³⁵⁶ [COVID-19 Related Anti-discrimination Act \(House Bill No. 6817\), 28 May 2020.](#)

³⁵⁷ [European Parliament Resolution of 17 April 2020 on EU Coordinated Action to Combat the COVID-19 Pandemic and its Consequences](#) (2020/2616(RSP)), paras 32 and 35.

► 2. The particular situation of specific groups

229. The following sections address the impact of COVID-19 on the specific groups covered by the 2020 General Survey, taking into account the increased impact of multiple and intersectional discrimination.

(a) The importance of inclusive, gender-responsive policy responses

230. The Committee observes that the current pandemic is affecting women and men differently. To develop policy responses that are both effective and inclusive, in response to discrimination arising from or exacerbated by crises, and when measures to prevent crises, enable recovery and build resilience, countries should respect, promote and realize equality of opportunity and treatment for women and men without discrimination of any kind, taking into account the Equal Remuneration Convention (No. 100) and Recommendation (No. 90), 1951, and the Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958.³⁵⁸

Czechia – The Government indicates in its report that, between March and May 2020, women constituted approximately 75 per cent of the beneficiaries of the measures adopted. Flexible working time, homeworking or teleworking are measures that have widely used during the COVID-19 crisis. The situation has proved that the use of these measures is feasible on a larger scale. This experience might expand availability of flexible forms of work, and at the same time, increase the employment rate of parents with children, especially women.

Trinidad and Tobago – In its report, the Government indicates that a National Policy on Gender and Development will be presented to the Parliament for its adoption. Pending its final adoption, it is already used by the Government. Several measures and recommendations arising from the Policy are being addressed. Some of these include:

- The amendment to the legislation on the Sexual Offences Act in 2019, which included the creation of the Sexual Offenders Register;
- The amendments to the Domestic Violence Act in 2020, to give more protection to victims, including children;
- The laying of the Sexual Harassment Policy in the Parliament of Trinidad and Tobago;
- The operationalization of two government-owned Domestic Violence Shelters;
- The expansion of gender mainstreaming to the private sector and civil society organizations; and
- The expansion of the Gender Focal Point Mechanism with the State Sector to drive gender mainstreaming and gender responsive budgeting.³⁵⁹

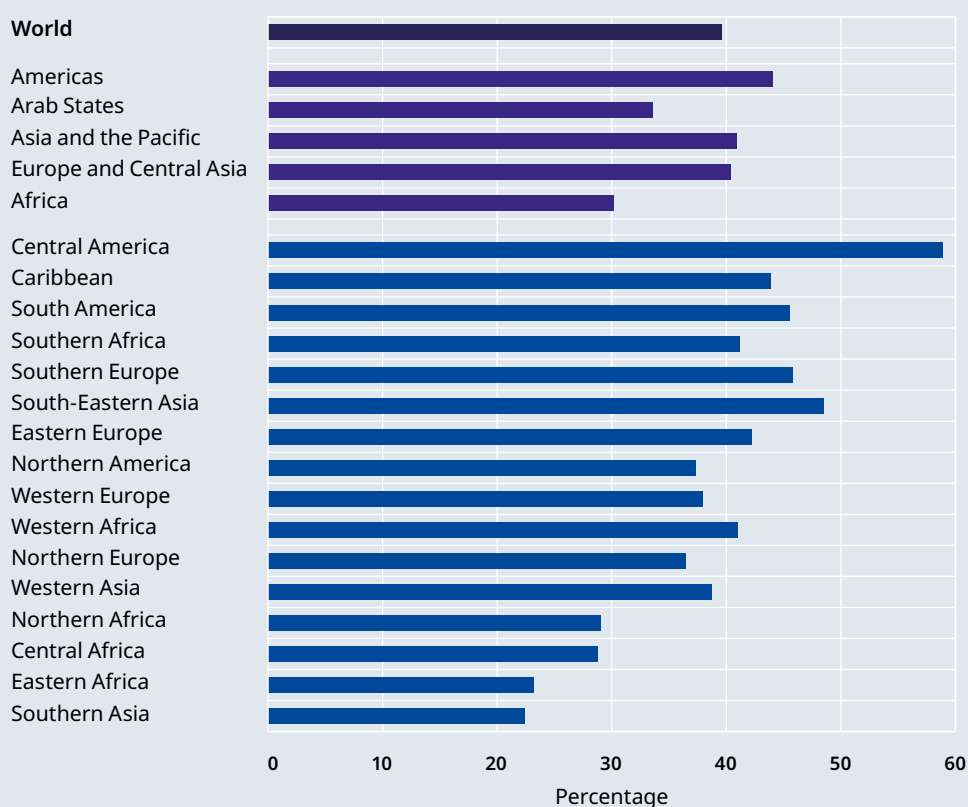
³⁵⁸ Recommendation No. 205, Para. 15(a).

³⁵⁹ Similarly, the Government of Myanmar indicates in its report that the Operational Plan 2020–22 for the Implementation of the National Strategic Plan for the Advancement of Women is being developed.

231. The lockdowns and social distancing measures introduced during the pandemic have disproportionately affected female-dominated sectors.³⁶⁰ The garment manufacturing industry, where as many as three-quarters of workers are women, has been severely affected, especially in middle- and low-income countries.³⁶¹

Figure 6.1

Share of women working in sectors hit hard by the COVID-19 crisis, worldwide and by region and subregion



Source: ILO, "COVID-19 and the World of Work", ILO Monitor, 5th Edition, 9.

232. Comprehensive measures that are of particular relevance to women have been taken in a number of countries to contain job losses and protect incomes. These include measures to extend and increase the level of out-of-work benefits,³⁶² and special programmes for the self-employed,³⁶³ temporary workers and domestic workers, among whom women are

³⁶⁰ Key sectors in which women predominate include accommodation and food services, real estate, business and administrative activities, manufacturing and wholesale/retail trade. In 2020, 41 per cent of total women's employment (527 million women) is concentrated in these sectors, compared with 35 per cent of total male employment. In high- and middle-income countries, the share of women employed in high-risk sectors is even greater. See ILO, [The COVID-19 Response: Getting Gender Equality Right for a Better Future for Women at Work](#), Policy Brief, May 2020.

³⁶¹ Monika Queisser, Willem Adema and Chris Clarke, "COVID-19, Employment and Women in OECD Countries", VOX EU/CEPR, 22 April 2020.

³⁶² For example: Australia, Canada, Ireland, Sweden, United Kingdom and United States.

³⁶³ For example: Canada, Czechia, Denmark, France, Germany, Lithuania, Poland and United Kingdom.

over-represented.³⁶⁴ In some countries, one-off emergency cash payments have been made,³⁶⁵ sometimes in the form of a universal benefit.³⁶⁶

233. Businesses run by women also face a higher risk of bankruptcy than those managed by men. Women are over-represented as operators of MSMEs, where they often experience greater difficulties than men in accessing credit and financial services, obtaining loans at fair interest rates and accessing information and communication technologies (ICTs).³⁶⁷ The Committee notes that support measures have been introduced in some countries to assist MSMEs managed by women and cooperatives during the pandemic.

Canada – The Government has provided CAD15 million in new funding through the [Women Entrepreneurship Strategy \(WES\)](#), which will be available for current WES Ecosystem Fund recipient organizations, enabling these third-party organizations to provide timely support and advice to women entrepreneurs facing hardship due to the COVID-19 pandemic.³⁶⁸

Costa Rica – As part of the COVID-19 response, the National Cooperative Development Institute has reduced all interest rates on credit for cooperatives to limit unemployment and for business projects for priority sectors of the population, including women, young persons, older adults, indigenous and afro-descendent persons, rural workers, migrants and persons with disabilities.³⁶⁹

234. Women are over-represented in essential services such as healthcare, communications and utilities, and emergency services.³⁷⁰ The pandemic has demonstrated the essential nature of the services, which are economically undervalued, that are provided by care economy workers, such as health and social workers, workers in emergency services and cleaners, who tend to be predominantly women, often working under precarious conditions and in poorly remunerated jobs requiring long working hours.³⁷¹ Lower pay also undermines the capacity of care workers to obtain care for their own family members, adding to their overall care responsibilities.³⁷²

235. COVID-19 lockdowns have increased the burden of unpaid care work performed by women who, prior to the pandemic, were already doing three times as much unpaid care work as men.³⁷³ Due to the crisis, many women and men, and particularly single parents, a high proportion of whom are women, have had to significantly increase the hours they devote to unpaid care work.³⁷⁴

³⁶⁴ Of the 70.1 million domestic workers worldwide, 49.7 million (71 per cent) are women. ILO, [Care Work and Care Jobs for the Future of Decent Work](#), Geneva, 2018; See also ILO, [The COVID-19 Response: Getting Gender Equality Right for a Better Future for Women at Work](#), 2.

³⁶⁵ For example: *Australia* and *United States*.

³⁶⁶ For example: *United States*.

³⁶⁷ María Noel Vaeza, “[Gender and COVID-19 in Latin America and the Caribbean: Integrating Gender into the Response Framework](#)”, UN Women, Regional Office for the Americas and the Caribbean.

³⁶⁸ Government of *Canada*, [Canada’s COVID-19 Economic Response Plan](#).

³⁶⁹ Liseth Guzmán Sandí, “[INFOCOOP bajó tasas de interés para apoyar a las cooperativas y afrontar el impacto del COVID-19](#)”, 18 March 2020.

³⁷⁰ For example, approximately 90 per cent of the nursing workforce is female. See WHO, “[Delivered by Women, Led by Men: A Gender and Equity Analysis of the Global Health and Social Workforce](#)”, *Human Resources for Health Observer*, (24), March 2019. See also ILO, “The COVID-19 Response”, 3.

³⁷¹ WHO, *Delivered by Women, Led by Men*; ILO, *The COVID-19 Response*.

³⁷² WHO, *Delivered by Women, Led by Men*; ILO, *The COVID-19 Response*.

³⁷³ UN, [Policy Brief: The Impact of COVID-19 on Women](#), 9 April 2020, 13.

³⁷⁴ UN, *Policy Brief: The Impact of COVID-19 on Women*, 15.

(b) Young persons: A “lockdown generation”?

236. Young people often face significant challenges in the labour market; indeed, at the time of the COVID-19 outbreak, employment for young persons had not fully recovered from the impact of the 2008 global financial crisis.³⁷⁵ As of 2019, prior to the advent of the pandemic, the global youth unemployment rate stood at 13.6 per cent, well above the pre-financial crisis rate of 12.3 per cent in 2007. The rate of young persons not in employment, education or training (NEET) was over 31 per cent for young women, compared with 13.9 per cent for young men, and rises to almost 40 per cent in lower-middle-income countries.³⁷⁶

237. The pandemic is affecting young people in three main ways:

- ▶ containment measures have disrupted education, training and work-based learning, which in turn is likely to reduce employability and affect future earnings;
- ▶ the virus has made it increasingly difficult for young people to find work, especially for recent graduates, to re-enter the labour market, or to change jobs; and
- ▶ the current wave of job losses and the collapse of businesses and start-ups has led to reduced earnings and deteriorating conditions of work.³⁷⁷ These shocks are taking a heavy toll on the mental well-being of young people, who may bear the impact of the pandemic throughout their working lives, resulting in the emergence of a “lockdown generation”.³⁷⁸

238. As of 22 June 2020, over 1 billion learners in 144 countries had been affected by school closures.³⁷⁹ Closures have involved universities, technical and vocational education and training institutions and work-based learning, including apprenticeships and traineeships. Over two-thirds of training is now provided remotely and nearly every second training centre has switched to providing online training.³⁸⁰ The impact of these closures varies, but is greater in low-income countries (and in poorer households in both low- and high-income countries), where young people already face barriers in accessing computers and the internet.³⁸¹ This in turn reinforces existing inequalities between and within countries.³⁸² Disruptions to education and training are likely to result in a reduction in both the quality and quantity of employment opportunities available to young people over the course of their working lives.³⁸³

³⁷⁵ ILO, “COVID-19 and the World of Work”, 4th ed., 6.

³⁷⁶ ILO, “COVID-19 and the World of Work”, 4th ed., 6; ILO, [Global Employment Trends for Youth 2020: Technology and the Future of Jobs](#), Geneva, 2020, 27 and 28.

³⁷⁷ ILO, “[Preventing Exclusion from the Labour Market](#)”, 1 and 7.

³⁷⁸ According to a global survey carried out by the ILO and other partners of the Global Initiative on Decent Jobs for Youth, 60 per cent of young women and 53 per cent of young men respondents view their career prospects with uncertainty or fear. More than half the surveyed youth have become vulnerable to anxiety or depression. Young people who have stopped working exhibit the highest risk of anxiety or depression. ILO, “[Preventing Exclusion from the Labour Market](#)”, 13. See also: UN, [Policy Brief: COVID-19 and the Need for Action on Mental Health](#), 13 May 2020, 13.

³⁷⁹ UNESCO and the International Centre for Technical and Vocational Education and Training (UNEVOC), “[TVET Peer Support in Response to COVID-19](#)”.

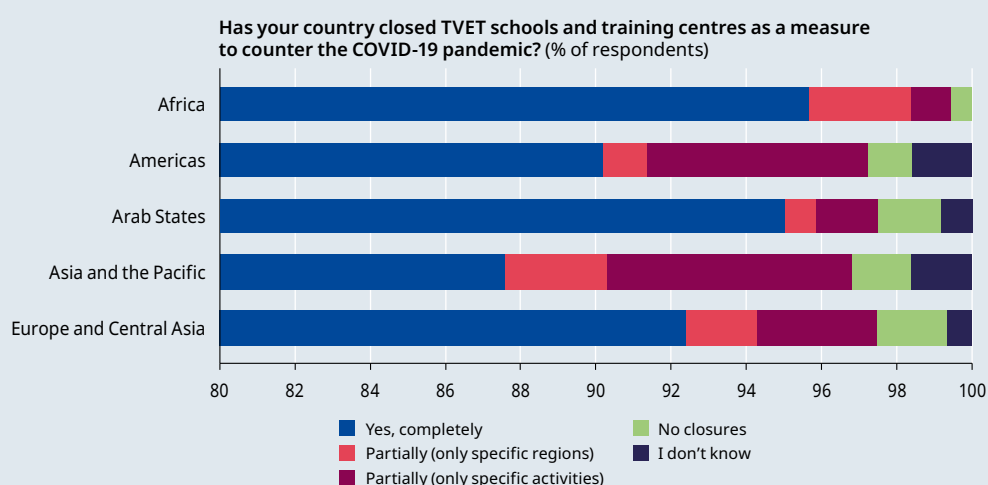
³⁸⁰ The [UNESCO COVID-19 Education Response](#) web page provides an overview of various forms of distance learning solutions including, for example, national learning platforms and tools.

³⁸¹ ILO, “COVID-19 and the World of Work”, 4th ed., 9.

³⁸² According to the International Telecommunication Union (ITU), almost 71 per cent of young people aged 15 to 24 were using the internet in 2017, compared to 48 per cent of the total population, varying from 40.3 per cent in Africa to 95.7 per cent in Europe. See ILO, “[Preventing Exclusion from the Labour Market](#)”, 14.

³⁸³ ILO, “COVID-19 and the World of Work”, 4th ed., 10.

Figure 6.2

The closure of TVET schools and training centres has affected all regions, particularly Africa

Source: ILO–UNESCO–World Bank joint survey on the provision of TVET during the COVID-19 crisis.

239. Youth unemployment has continued to rise quickly and on a broad scale during the pandemic,³⁸⁴ although the increases in unemployment rates do not reveal the full extent of the crisis.³⁸⁵ Labour force participation rates have also fallen significantly around the world.³⁸⁶ The Committee notes that, according to a global survey carried out by the ILO and other partners of the Global Initiative on Decent Jobs for Youth, over one-in-six young people surveyed have stopped working since the onset of the crisis. Among those still in employment, working hours have fallen by 23 per cent.³⁸⁷

³⁸⁴ Sher Verick, “Who is Hit Hardest during a Financial Crisis? The Vulnerability of Young Men and Women to Unemployment in an Economic Downturn”, Institute for the Study of Labour (IZA), Discussion Paper No. 4359, Bonn, August 2009, 15.

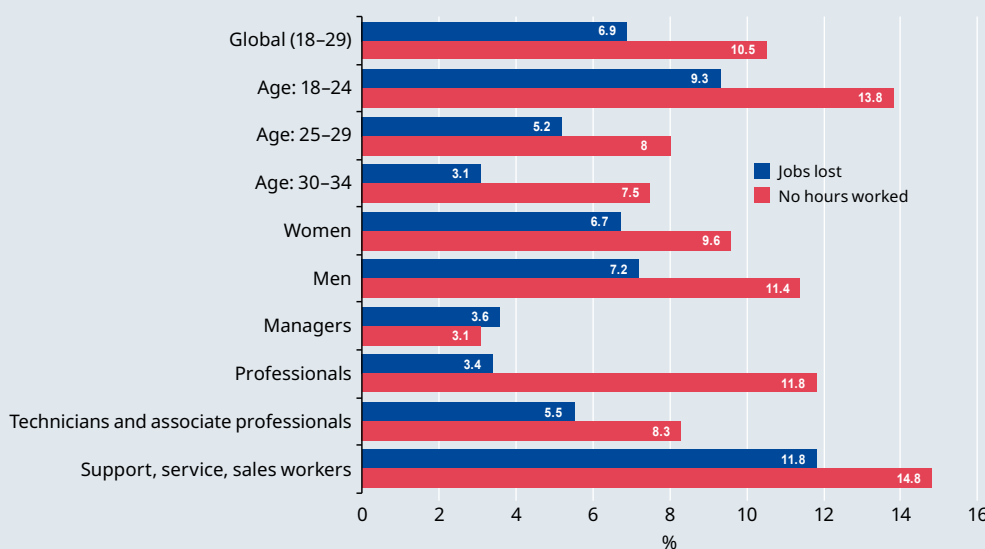
³⁸⁵ ILO, “Preventing Exclusion from the Labour Market”, 12.

³⁸⁶ ILO, “Preventing Exclusion from the Labour Market”, 12.

³⁸⁷ ILO, “The COVID-19 Response: Getting Gender Equality Right”.

Figure 6.3

Share of young people (aged 18–29) who stopped working following the onset of the COVID-19 pandemic (Global Survey on COVID-19 and Youth)



Source: ILO. “Preventing Exclusion from the Labour Market”, 13.

240. Entering the labour market during a recession can negatively affect young people’s labour market outcomes for decades, as they are likely to suffer long-lasting and devastating effects of protracted unemployment.³⁸⁸ To avoid losing the productive potential of an entire generation, urgent and large-scale policy responses are required to ensure that young people are not left behind in both the immediate response and the longer-term recovery.

241. The Committee notes that policy responses in many countries promote youth employment and enhance the employability of young women and men.

Angola – The Government indicates in its report that one of the priorities of the National Development Program (2018-2022) focuses on improving school to work transitions for young persons.

Canada – The COVID-19 Economic Response Plan (2020) includes measures to help youth receive emergency income benefits, develop skills, gain professional experience and contribute to their communities through volunteering.³⁸⁹

³⁸⁸ Sher Verick, “Who is Hit Hardest during a Financial Crisis?”, 4. These impacts are commonly referred to as “scarring effects”.

³⁸⁹ Similarly, *Sweden* has extended the programme and set aside funds for jobs in municipalities. The aim is to improve young people’s future opportunities to enter the labour market and contribute to employment.

Italy – The Government indicates in its report that the employment incentive IO LAVORO was established in 2020 for private employers throughout the territory, to encourage them to hire unemployed people with one of the following characteristics:

- (a) workers aged between 16 and 34 years;
- (b) workers aged 35 years or less, without paid employment for at least six months.

The types of contract incentives offered include:

- 1. permanent contract, also for administration purposes;
- 2. professionalizing apprenticeship contract;
- 3. permanent employment contract for cooperative members.

The economic value of the incentive is equal to the employer's social security contribution, for a period of 12 months from the date of hiring, up to a maximum of 8,062 euros per employee hired.

Myanmar – In its report, the Government refers to the trainings provided by the Youth Training Schools under the Ministry of Social Welfare, Relief and Resettlement which benefited 241 trainees on 11 different types of vocational trainings for the period going from 1 April to 30 June in 2019 and in 2020.

Republic of Korea – The Government indicates in its report that it has increased the number of recipients of the "Job search promotion allowances" and the "Employment success package program" from 50,000 to 100,000 and from 50,000 to 130,000 young persons, respectively. Furthermore, the budget for the Additional Youth Employment Subsidy Program has been increased.

United Kingdom – The Redundancy Support Service for Apprentices (ReSSA) helps apprentices access local and national services that can provide financial, legal, health and well-being support. It provides incentives to employers that provide quality apprenticeships. As part of the Government's Plan for Jobs, employers are being offered £2,000 (for each new apprentice under 25 that they hire and £1,500 for each new apprentice hired (aged 25 and over)).³⁹⁰

³⁹⁰ The Government of the *United Kingdom*, Coronavirus (COVID-19), "[Apprentices to get Jobs Boost](#)", 1 August 2020. In its report, the Government also refers to the traineeship programme (£11 million to triple the number of traineeships and allocate additional funds in 2020–21 to support 30,000 new places. Furthermore, young persons from 18 to 24 year old will be able to access three elements: a structured 13-week programme – where they will receive careers advice, a sector-based work academy, a traineeship, work experience, mentoring circles, or an apprenticeship. Once they have completed this programme, participants will be encouraged to take up work-related training or an apprenticeship; the introduction of young people's hubs and for those who need a bit more support, expansion of the Youth Employability Coaches model. These will focus on young people with more complex needs. On 2 September 2020, the *United Kingdom* Government launched a new Kickstart Scheme for Great Britain – a £2 billion fund to create hundreds of thousands of high quality, six-month work placements aimed at those aged 16–24 who are on Universal Credit and are deemed to be at risk of long-term unemployment. Similar measures have been adopted by Northern Ireland, Scotland and Wales.

242. Some countries have extended unemployment benefits to younger workers.

Israel – On 10 May 2020, restrictions were eased to make unemployment benefits available to young people under 25.³⁹¹

South Africa – The draft Disaster Management Tax Relief Administration Bill provides for the extension of Employment Tax Incentive (ETI) benefits from 1 April 2020 for any remuneration paid on or before 31 July 2020. The ETI is an incentive aimed at reducing youth unemployment by encouraging employers to hire young jobseekers aged 18 to 29 who receive monthly remuneration under ZAR 6,500. The maximum amount of the ETI that can be claimed during a four month period has also been increased.

243. The Committee further notes that some countries are implementing measures focused on promoting youth entrepreneurship and sustainable self-employment.

Canada – Funding of CAN\$20.1 has been allocated to Futurpreneur Canada to provide assistance to young entrepreneurs who are facing challenges due to the pandemic. The funding enables Futurpreneur Canada to provide support for up to 12 months.³⁹²

244. Measures have also been taken at regional level.

The Youth Guarantee in the European Union

The European Youth Guarantee (YG) was established in 2013 and national implementation began in all EU countries in 2014.³⁹³ The Youth Guarantee is a broad based youth employment programme which goes beyond traditional active labour market interventions. The Youth Guarantee involve a commitment by all Member States of the European Union to ensure that within four months of leaving school or becoming NEET, young people receive either a quality job offer suited to their education, skills and experience or the opportunity to acquire the education, skills and experience needed to find a job in future through an apprenticeship, traineeship or continued education.

The Guarantee element means that the YG acts as an automatic stabiliser; investment in the programme will automatically increase in response to an increase in the numbers of young people who cannot find work, as is the case during the current COVID-19 pandemic.

³⁹¹ KPMG, “[Israel: Government and Institution Measures in Response to COVID-19](#)”, updated on 22 July 2020.

³⁹² *Canada's* COVID-19 Economic Response Plan.

³⁹³ See ILO, General Survey on Promoting Employment and Decent Work in a Changing Landscape, paras 791 and 792.

The Youth Guarantee is aimed at systematically reaching all young people who are neither working nor are in education or training (NEET). A wide variety of measures and initiatives have been included in the Youth Guarantee: education and training for employment programmes; remedial education measures for school drop-outs; labour market intermediation services; and active labour market programmes (ALMPs) targeted at labour demand, such as direct employment creation, hiring subsidies and start-up incentives. Several achievements of the Youth Guarantee can be highlighted, including the development of specific measures targeting young people in situations of vulnerability and the initiatives undertaken by European Union Member States to modernize national public employment services and improve their efficiency.

On 1 July 2020, the EU launched a second round of the European Youth Guarantee under the title, “A Bridge to Jobs”, building on the experiences gained from the implementation of the YG during its first five years. The renewed programme includes the same basic commitment to offering young people an educational, training or employment offer within four months of becoming NEET, but aims to be more inclusive:

- ▶ The upper age range has been universally extended beyond 24, including all those aged between 15 and 29; and
- ▶ The new YG aims to extend outreach to explicitly include more groups in vulnerable situations, such as youth belonging to racial and ethnic minorities, young people with disabilities, as well as young people living in rural, remote or disadvantaged urban areas. On 30 October 2020, the EU Council adopted the Recommendation “A Bridge to Jobs – Reinforcing the Youth Guarantee”. Its main objective is to better support youth employment across the EU, in particular during the COVID-19 pandemic, which is increasing already high youth unemployment rates, as well as the number of young people not in employment, education or training.

245. The Committee welcomes the measures taken in a number of countries to strengthen the participation of young people in the design and implementation of youth-specific schemes so that they can bring their unique experience and insight to bear in the development of youth-responsive policy measures that meet both immediate and longer-term needs.

*The African Union Youth Envoy has convened virtual consultations with youth leaders from 40 African countries to expand youth-led initiatives and consult young people on the recovery phase. The African Union has also launched the African Youth Front on Coronavirus to engage youth in decision-making for recovery.*³⁹⁴

(c) Older workers: Contributing valuable experience in support of crisis response and recovery

246. COVID-19 poses a substantive threat to older persons, who have significantly higher fatality rates from coronavirus infection.³⁹⁵ The pandemic is also increasing poverty and unemployment among older persons, and is taking a toll on the well-being and mental health of many older persons due to physical distancing and social isolation, as well as stigma and discrimination.³⁹⁶

³⁹⁴ African Union Youth Envoy, [African Youth Front on Coronavirus](#), 6 May 2020.

³⁹⁵ The fatality rate for persons aged over 80 years is five times the global average.

³⁹⁶ UN, [Policy Brief: The Impact of COVID-19 on Older Persons](#), May 2020, 2.

247. The pandemic has increased the unemployment rates of older workers (aged 55 and over). Many older persons rely on multiple income sources, including paid work, savings, financial support from families and pensions, all of which may be in jeopardy as a result of COVID-19.³⁹⁷ Moreover, in most countries, the risk of poverty increases with age, particularly in developing countries, where the percentage of older persons living in poverty is as high as 80 per cent.³⁹⁸ While social protection can provide a vital safety net, coverage gaps are enormous in some developing countries, where fewer than 20 per cent of older persons of retirement age are in receipt of a pension. The Committee emphasizes that, to ensure a sustainable longer-term recovery, measures are needed to ensure the income security of older persons through the provision of universal pension coverage and adequate benefit levels.³⁹⁹

Uruguay – A sickness subsidy for workers of 65+ years old was introduced by the Executive Branch Decree of 25 April 2020. People who are 65 years old or more – included in the subjective scope of the sickness subsidy established by Decree-Law No. 14.407 of 22 July 1975 – are able to isolate within a period of no more than 30 days, according to what companies determine and communicate to the Social Security Bank (BPS). Worker that perform or are able to perform their tasks from home are excluded. Those who are in isolation will be entitled to receive the monetary benefit corresponding to the sickness subsidy in the manner established by Decree-Law No. 14.407, for the isolation period. On 26 May 2020, the subsidy was extended until 30 July 2020.⁴⁰⁰

248. Measures have been taken in a number of countries to facilitate the access of older persons to adequate old-age and disability benefits during the pandemic. In some countries, with a view to preventing or alleviating poverty, the payment of old-age and disability benefits has been brought forward and/or their level increased.⁴⁰¹ In addition, measures have been taken in certain countries to minimize the risk of infection for older persons when they collect their pensions at pension pay points.⁴⁰²

Sri Lanka – has increased social pensions from LKR2,000 to LKR5,000 and extended pension coverage to persons on the waiting list for the old-age allowance.⁴⁰³

249. The Committee notes that the crisis has had a disproportionate impact on older women, who have less access than men to income, whether through employment, assets (such as land and property) or retirement pensions. It recalls that lack of access to adequate social protection benefits is closely linked to existing gender inequalities, primarily due to the lower labour force participation rates of women, the large numbers of women who are self-employed and their shorter and frequently interrupted working lives due to family responsibilities, which result in lower pensions (when they have a pension).⁴⁰⁴ Globally, women account for nearly 65 per cent of those above retirement age (60–65 years or older) who have no regular pension.⁴⁰⁵

³⁹⁷ UN, “Policy Brief”, 12.

³⁹⁸ UNDESA, “[Income Poverty in Old Age: An Emerging Development Priority](#)”.

³⁹⁹ Carla Henry, “[How to Ensure Older Workers Fully Participate in the Recovery after the Pandemic](#)”, ILO, 25 May 2020.

⁴⁰⁰ <https://www.gub.uy/ministerio-trabajo-seguridad-social/comunicacion/noticias/se-prorroga-subsidio-enfermedad-para-trabajadores-65-anos>.

⁴⁰¹ For example, *Argentina, Peru* and *Ukraine*. See also: ILO, “Social Protection Responses to the COVID-19 Crisis”, 4.

⁴⁰² For example, *Peru*. See also ILO, “Social Protection Responses to the COVID-19 Crisis”, 4.

⁴⁰³ United Nations *Sri Lanka*, “[Tackling the COVID-19 Economic Crisis in Sri Lanka: Providing Universal, Lifecycle Social Protection Transfers to Protect Lives and Bolster Economic Recovery](#)”, Working Paper, United Nations Social Protection Working Group, June 2020, 11.

⁴⁰⁴ UNDESA, “Income Poverty in Old Age”.

⁴⁰⁵ ILO (2017). [World Social Protection Report 2017–19: Universal Social Protection to Achieve the Sustainable Development Goals](#), Geneva, 78.

250. Older workers have accumulated a lifetime's experience of skills and knowledge and have made an invaluable contribution during the crisis in many different capacities. They have played essential roles on the frontline in the response to the pandemic, including as carers, volunteers and community leaders.⁴⁰⁶ Many governments have called on retired health workers to return to work to support overburdened health facilities. Recognizing the value of their contribution and the need to protect the health and well-being of older workers during the crisis, a number of countries have adopted special measures in this regard.⁴⁰⁷

Canada – has issued COVID-19 guidance for the health sector, including retired physicians and nurses. The guidance calls for the adoption of special measures for the protection of retirees, including the extension of insurance and liability coverage for retirees recruited to provide health-care services during the pandemic, and the provision of training for retirees.⁴⁰⁸

251. Other countries have introduced incentives to encourage employers to retain older workers, including exemption from the payment of pension contributions during lockdown. The Committee also notes that some countries have included older persons in life-long learning programmes and enhanced their access to information and communication technologies (ICTs).

Republic of Korea – The Government indicates in its report that it has established an “Employment Retention Incentive for Older People” in 2020 to support the extension and stabilization of employment for the “new middle aged” (people over 50). The Government provides support to companies that have extended the employment of these workers. Furthermore, the Law on the Prohibition of Age Discrimination in Employment and Elderly Employment Promotion”, which entered into force in May 2020, mandates enterprises to provide re-employment support to workers aged 50 and over who are facing involuntary turnover.

The *United Kingdom* has launched a website to provide guidance for employers on the employment of older workers and for older people (aged over 50) who want to return to work or stay in work longer. The guidance describes the various employment support measures available, including guidance on finding a job, training to improve English, mathematics and IT skills, apprenticeships, self-employment (access to benefits under the new enterprise allowance) and flexible working and retirement options.⁴⁰⁹

⁴⁰⁶ Michelle Bachelet, “[Human Rights of Older Persons in the Age of COVID-19 and Beyond](#)”, Statement by the United Nations High Commissioner for Human Rights, 12 May 2020.

⁴⁰⁷ UN, “Policy Brief”.

⁴⁰⁸ Government of *Canada*, “[COVID-19 Pandemic Guidance for the Health Sector](#)”. In its report, the Government further informs that the government of Quebec has published the Guide on Good Practices for the Employment of Experienced Workers. In November 2019, a communication campaign was launched inciting experienced workers to remain in the labour market.

⁴⁰⁹ Government of the *United Kingdom*, “[Guidance, Help and Support for Older Workers](#)”, updated on 29 July 2020.

(d) Workers living with HIV or affected by HIV or AIDS

252. The pandemic has adversely affected the over 37 million people living with HIV or affected by HIV or AIDS globally, who are already disadvantaged in the labour market due to stigma, discrimination and marginalization.⁴¹⁰ The increased strain on health-care systems has had a negative impact on HIV prevention and testing services. In some cases, the supply of life-saving anti-retroviral treatment (ART) has been disrupted, placing people living with HIV at greater risk.⁴¹¹

253. The majority of people living with HIV are of working age.⁴¹² They are over-represented in the informal economy, where they lack access to paid sick leave, unemployment benefits and other forms of social protection.⁴¹³ A high proportion of people living with HIV are unemployed, due to high rates of stigma and discrimination. The Committee recalls that HIV status often interacts with other personal characteristics, including gender, sexual orientation, gender identity and ethnicity, thereby compounding the impact of the pandemic on this group.⁴¹⁴

254. In a number of countries, targeted income-generation programmes have been implemented for persons living with HIV as part of COVID-19 response and recovery plans.

Nigeria – The Nigeria Business Coalition and the ILO are collaborating on the development of a toolkit to support income-generation activities for people living with HIV.⁴¹⁵

Zambia – The Zambia Federation of Employers and the Network of Zambian People Living with HIV are developing, with ILO support, an innovative income-generation project for people living with HIV involving the production of hand sanitizer to be sold at workplaces.⁴¹⁶

255. In some countries, the social partners are developing joint strategies and proposals for governments aimed at ensuring the inclusion of persons living with HIV in crisis response and recovery measures.⁴¹⁷

Uganda – A joint statement by the Federation of Uganda Employers and the National Organization of Trade Unions calls for a comprehensive response to the pandemic to ensure that no one is left behind, particularly people living with HIV, persons with disabilities, migrants and other vulnerable groups. The statement emphasizes the importance of protecting jobs for everyone, including people living with HIV and people with disabilities. It also calls for people living with HIV to have access to health services, including antiretroviral treatment.⁴¹⁸

⁴¹⁰ ILO, “COVID-19 and the World of Work: A Focus on People Living with HIV”, Policy Brief, June 2020, 1.

⁴¹¹ The United Nations Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health has expressed concern over the interruption of non-COVID-19 health services during the crisis, including anti-retrovirals for people living with HIV. See OHCHR, “COVID-19 Measures must be Grounded First and Foremost on the Right to Health”, 10 June 2020. See also ILO, “COVID-19 and the World of Work”, 3.

⁴¹² ILO, “COVID-19 and the World of Work: A Focus on People Living with HIV”, 1.

⁴¹³ See Addendum, Part 3.

⁴¹⁴ For further information on how the interaction of different personal characteristics might exacerbate the impact of COVID-19, see: ILO, “COVID-19 and the World of Work”, 3.

⁴¹⁵ ILO, “COVID-19 and the World of Work: A Focus on People Living with HIV”, 1.

⁴¹⁶ ILO, “COVID-19 and the World of Work: A Focus on People Living with HIV”, 1.

⁴¹⁷ ILO, “COVID-19 and the World of Work”, 4.

⁴¹⁸ ILO, “COVID-19 and the World of Work: A Focus on People Living with HIV”, 4.

(e) Migrant workers

256. The ILO estimates that there are around 164 million migrant workers globally,⁴¹⁹ making up 4.7 per cent of the global labour force. The Committee notes that a range of factors make migrant workers extremely vulnerable to the severe socio-economic impacts of the pandemic. First, migrant workers are employed under precarious conditions more frequently than nationals, often with temporary and non-standard contracts, and are concentrated in informal arrangements characterized by low wages and lack of social protection.⁴²⁰

The *FKTU* from the Republic of Korea indicates that, in principle, migrant workers are not allowed to change workplaces after the termination of their employment contracts. Moreover, only employers have the right to refuse renewal of employment contracts, creating situations that have led to forced labour and other serious human rights abuses. If migrant workers change their employment without providing a legitimate reason, they are considered to be migrants in an irregular situation.

257. Second, migrant workers are often exposed to xenophobia, which takes the form of stigma and discrimination in employment and in other settings. Third, in many countries, migrants are excluded in law and practice from labour protection and other basic rights, including in the context of public health and COVID-19 response measures.⁴²¹

258. The living and working conditions of migrant workers, and the migration process itself, also places them at higher risk of exposure to COVID-19. International and internal migrant workers in key sectors, such as agriculture, meat and poultry processing, mining and construction, are frequently placed in collective accommodation, such as dormitories provided by employers,⁴²² or are concentrated in temporary migrant reception or training centres, communal living conditions or camps. These group settings make it difficult, if not impossible, for them to observe health guidelines, such as handwashing and social distancing, to reduce their exposure to the virus.⁴²³ Others are employed as domestic workers, the vast majority of whom are women. They either live in their employer's household or work for multiple households, where social distancing and other containment measures are not feasible. Moreover, in an effort to contain the spread of COVID-19, many countries around the world have closed their borders or tightened border controls. The Committee notes that the restrictions on movement adopted during the pandemic have placed many migrants in a challenging situation.⁴²⁴ The forced return of migrant workers to their countries has been reported in many regions.⁴²⁵

⁴¹⁹ This figure refers to cross border migration and does not take into account internal migration which, in some cases, like in *India*, has been significant. Internal migrants are unable to work due to closure of workplaces and markets while also being unable to return home due to transportation restrictions due to the virus, placing them in an untenable situation.

⁴²⁰ Francesco Fasani, and Jacopo Mazza, "[A Vulnerable Workforce: Migrant Workers in the COVID-19 Pandemic](#)", Publications Office of the European Union (2020), 2.

⁴²¹ OHCHR, "[Covid-19 and the Human Rights of Migrants: Guidance](#)", 7 April 2020, 1.

⁴²² World Bank, "[Potential Responses to the COVID-19 Outbreak in Support of Migrant Workers](#)", Living Paper Version 10, 19 June 2020, 4.

⁴²³ ILO, "[Protecting Migrant Workers during the COVID-19 Pandemic: Recommendations for Policy-Makers and Constituents](#)", Policy Brief, April 2020, 4.

⁴²⁴ For example, migrant workers who work or were planning to work in another country cannot gain access to their job (such as migrant workers from *Tajikistan* intending to work in the *Russian Federation*), who cannot travel home, even if they have lost their job (such as migrant workers in *Thailand* who are from *Cambodia*, *Lao People's Democratic Republic* and *Myanmar*) or are blocked in transit (for instance, certain internal migrants in *India*).

⁴²⁵ The United Nations Network on Migration has called on States "to suspend forced returns during the pandemic, in order to protect the health of migrants and communities, and uphold the human rights of all migrants, regardless of status." See UNICEF, "[Forced Returns of Migrants must be Suspended in Times of COVID-19](#)", Statement by the United Nations Network on Migration, 13 May 2020.

The *FNV* and the *CNV* from the Netherlands express their concern about the current health and safety precautions taken for migrant workers on worksites, in migrant housing facilities and in transportation to and from work. Safety measures are not enforced, workers work and live without the possibility to respect social distance, without hygiene precautions, and are pressed to work even with corona symptoms. Most labour migrants in the Netherlands work in vital sectors such as food supply, distribution, meat- and poultry processing, construction, agriculture and logistics.

259. Despite these challenges, migrant workers represent a large proportion of the essential workforce at the frontline of national responses in many countries, performing work that is crucial to keeping the population healthy, safe and fed during the pandemic. While these migrant workers may be at lower risk of losing their jobs than others, they in turn face a heightened risk of exposure to the virus.⁴²⁶ These challenges are compounded when migrant workers are in an irregular situation or on a temporary visa. The Committee notes the adoption of measures in some countries to extend work permits, grant amnesties or otherwise seek to alleviate the constraints faced by migrant workers and their families.⁴²⁷

Bahrain – The Labour Market Regulatory Authority has suspended monthly work fees and fees for issuing or renewing work permits for three months from 1 April 2020 and lowered fees for flexi work permits.⁴²⁸

France – In April 2020, residence permits were extended for three months to ensure that migrant workers have uninterrupted access to healthcare and social security.⁴²⁹ This period was subsequently increased.⁴³⁰

Kenya – The Ministry of Labour and Social Protection has announced that regular migrant workers who lose their jobs due to the pandemic will not be regarded as migrants in an irregular situation and that their residence or work permits will remain valid for the period initially stipulated.⁴³¹

⁴²⁶ For instance, according to two recent studies, 19 per cent of key workers in the *United States* and 13 per cent in the European Union are migrant workers, or around 17 and 13 per cent of the employed workforce, respectively. See: Julia Gelatt, "[Immigrant Workers: Vital to the U.S. COVID-19 Response, Disproportionately Vulnerable](#)", Factsheet, Migration Policy Institute (MPI), March 2020; Francesco Fasani and Jacopo Mazza, "[Immigrant Key Workers: Their Contribution to Europe's COVID-19 Response](#)", IZA Policy Paper No. 155, Institute of Labor Economics (IZA), April 2020.

⁴²⁷ For example, *Bahrain, Kenya, Kuwait, Lebanon, Morocco, South Africa, Thailand and United Arab Emirates*. See Johanna Avato, Johannes Koettl, and Rachel Sabates-Wheeler (2010), "[Social Security Regimes, Global Estimates, and Good Practices: The Status of Social Protection for International Migrants](#)", *World Development*, 38(4), 455–466. See also ILO, "Protecting Migrant Workers during the COVID-19 Pandemic", 2.

⁴²⁸ *Gulf Insider*, "[Bahrain: LMRA Monthly Work Fees to be Terminated](#)", 2 April 2020.

⁴²⁹ *France*, [Ordonnance n° 2020-460 du 22 avril 2020 portant diverses mesures prises pour faire face à l'épidémie de covid-19](#).

⁴³⁰ Migration Équité Interculturalité, "[Impact of COVID-19 on the Entry and Stay of Foreigners in France](#)", (updated 1 September 2020).

⁴³¹ ILO, "Protecting Migrant Workers during the COVID-19 Pandemic", 4.

260. Migrant workers are often excluded from national COVID-19 policy responses, such as wage subsidies, unemployment benefits or social security and social protection measures.⁴³² However, a number of countries are including them in national responses, extending access to existing welfare programmes or creating specific new schemes for migrant workers.⁴³³

Republic of Moldova – The minimum unemployment benefit has been increased to MDL2,775 a month (US\$157) and the benefit was extended to cover returning migrant workers and other potentially ineligible categories of persons during the crisis, on condition that they purchase medical insurance (MDL4,056 or US\$229.5 a year).

Ukraine – The eligibility rules for the Guaranteed Minimum Income (GMI) Programme have been relaxed, making returning migrants eligible for the benefit.⁴³⁴

261. In some countries, migrant workers have been included in programmes created to alleviate the economic shocks of the pandemic.

Ireland – Migrant workers who have been laid off or have lost their jobs can apply for a €350 weekly COVID-19 Pandemic Unemployment Payment.⁴³⁵

Italy – Refugees, asylum-seekers and migrant workers with residence permits can apply for a €600 subsidy under the COVID-19 *CuraItalia* stimulus. Refugees and asylum-seekers who are employed can also apply for a babysitting voucher through the social security office. The voucher has a limit of €600 for each family unit with children under 12 years old and must be used exclusively for babysitting services.⁴³⁶

New Zealand – As part of the COVID-19 Economic Response Package, international seasonal migrant workers covered by the Recognised Seasonal Employer (RSE) scheme are eligible for the sick leave scheme that is part of the national COVID-19 Economic Response Package. RSE workers are also entitled to government funding of NZD585.50 a week if they cannot work during the lockdown because their employer's business is not operating or the employer cannot afford to pay them due to reduced business activity. If RSE workers are required to self-isolate while in New Zealand due to illness or close contact with a confirmed COVID-19 case, they are also eligible under the scheme. RSE employers apply for a subsidy on behalf of their workers, and provide accommodation and pastoral care facilities during the 14-day isolation period.⁴³⁷

Philippines – US\$200 cash assistance is provided to international migrant workers whose work has been affected by COVID-19, irrespective of whether they are abroad or in the Philippines.⁴³⁸

⁴³² ILO, "Protecting Migrant Workers during the COVID-19 Pandemic", 2.

⁴³³ World Bank, "Potential Responses to the COVID-19 Outbreak", 7.

⁴³⁴ Ugo Gentilini, Mohamed Almenfi, Pamela Dale, et al., "[Social Protection and Jobs Responses to COVID-19: A Real-Time Review of Country Measures](#)", "Living paper" version 11, World Bank, 12 June 2020, 466.

⁴³⁵ Citizens Information, "[Migrant Workers and Unemployment](#)".

⁴³⁶ World Bank, "Potential Responses to the COVID-19 Outbreak", 31.

⁴³⁷ World Bank, "Potential Responses to the COVID-19 Outbreak", 35.

⁴³⁸ Philippines Department of Labor and Employment Order No. 212, Series of 2020, "[Prescribing Guidelines on the Provision of Financial Assistance for Displaced Landbased and Seabased Filipino Workers due to the Corona Virus Disease \(COVID-2019\) 'DOLE-AKAP for OFWs'](#)".

262. A number of countries have taken measures to promote the retention in employment of national and migrant workers. Some measures entail changes to migration regulations, particularly in sectors facing labour shortages, such as healthcare and agriculture.⁴³⁹

Australia – is matching temporary migrant workers participating in the Pacific Labour Scheme with new employers where their current employment has been lost as a result of the crisis.

Republic of Korea – Migrant workers covered by the Employment Permit System are eligible for employment retention and paid leave subsidies.

263. The income lost by migrant workers has led to a corresponding decline in the amounts of money they can send home to their families, with remittances expected to fall by almost US\$ 110 billion in 2020.⁴⁴⁰ The pandemic is also affecting the operations of remittance service providers due to health and financial risks related to the lack of liquidity. Some countries have responded to the expected fall in remittances by, for example, exempting remittance flows from abroad,⁴⁴¹ and the authorization of operations by money transfer agencies from certain regulations and taxes.⁴⁴²

Greece – A Temporary Aliens Provisional Insurance and Health Care Number (PAAYPA) will be issued to all asylum-seekers who are fully registered and hold a valid asylum-seeker card to ensure access to healthcare. If the application for asylum is rejected, the PAAYPA is automatically deactivated, but if the application is accepted it becomes a social security (AMKA) number.⁴⁴³

Portugal – has announced that all foreign nationals with pending residence applications will be treated as permanent residents to ensure that migrants have access to public services during the crisis. Persons applying for residence permits, including asylum-seekers, need only provide proof of a current application to qualify for access to the national health service and welfare benefits, to be able to open bank accounts and conclude work and rental contracts.⁴⁴⁴

⁴³⁹ Extensions to work permits have been introduced, for example, in *Australia, Bahrain, China – Hong Kong Special Administrative Region, Italy, Japan, New Zealand, Poland, Spain and United Kingdom*.

⁴⁴⁰ Based on estimates of numbers of migrant workers and remittances, before the pandemic around 270 million people lived outside their country of birth and sent nearly US\$620 billion in remittances to their home countries. As of mid-May, the 20 countries with the most cases of COVID-19 were hosting 55 per cent of the world's migrants, who were sent 54 per cent of the world's remittances. See World Bank. "Potential responses to the COVID-19 outbreak", 1; IOM. "[COVID-19 Analytical Snapshot No. 46: Economic Impacts on Migrants UPDATE: Understanding the Migration and Mobility Implications of COVID-19](#)", 1.

⁴⁴¹ For example, *Thailand*. See IOM, "COVID-19 Analytical Snapshot 16", 2.

⁴⁴² For example, *Zimbabwe*. See: IOM, "COVID-19 Analytical Snapshot 16", 2.

⁴⁴³ World Bank. "Potential Responses to the COVID-19 Outbreak", 28.

⁴⁴⁴ OHCHR, "[COVID-19 and Minority Rights: Overview and Promising Practices](#)", 4 June 2020, 4.

264. The protection and promotion of migrant workers' rights during and after the pandemic can be effectively addressed through bilateral and multilateral cooperation.⁴⁴⁵

Philippines – is providing financial subsidies to migrant workers abroad, as well assistance, in collaboration with *China – Hong Kong Special Administrative Region*, to ensure that Filipino migrant workers are still able to travel to take up jobs as long as they have valid employment contracts and are supported by recruitment agencies and fair recruitment processes at both ends of the migration corridor.⁴⁴⁶

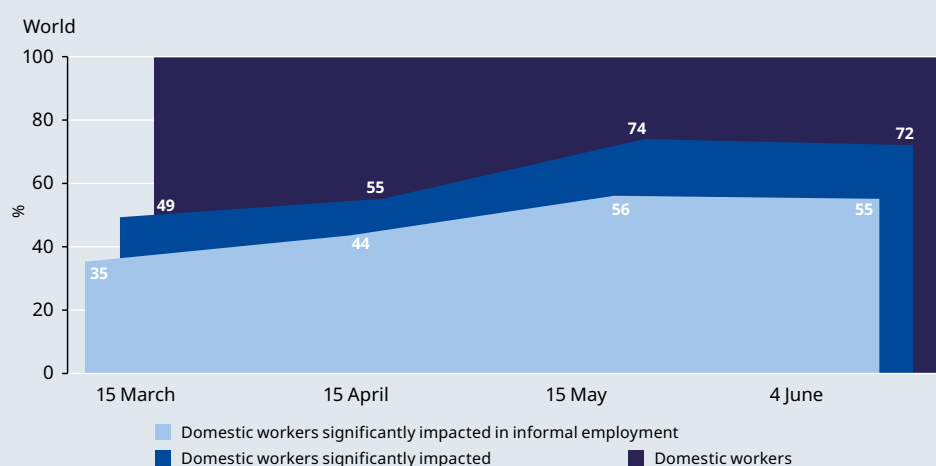
265. The Committee considers that the inclusion of migrant workers in crisis response and recovery measures is the most effective way of protecting their fundamental rights and those of their families, and of avoiding xenophobia and stigmatization which, by deterring migrants from seeking testing and treatment, impedes health response efforts.

(f) Domestic workers

266. The ILO estimates that, as of June 2020, at least 72.3 per cent of domestic workers had been significantly affected by the pandemic.⁴⁴⁷

Figure 6.4

Percentage of domestic workers significantly impacted by lockdown measures adopted to prevent the propagation of COVID-19 (% , 2020)



Note: ILO calculation based on national labour force or similar household surveys from 137 countries representing 91 per cent of global employment. Absolute numbers expressed in thousands extrapolated for 2020. "Significantly impacted" refers to a reduction in the number of hours of work, reduction in earnings and job losses.

⁴⁴⁵ ILO, "Protecting Migrant Workers during the COVID-19 Pandemic", 5.

⁴⁴⁶ ILO, "Protecting Migrant Workers during the COVID-19 Pandemic", 5.

⁴⁴⁷ ILO, "[Impact of the COVID-19 Crisis on Loss of Jobs and Hours among Domestic Workers](#)", 15 June 2020.

267. The vast majority of those affected are in informal employment (76 per cent), and do not have access to social security benefits, such as unemployment insurance, if they lose their jobs. Moreover, if they fall sick, most domestic workers, particularly migrant domestic workers, are not guaranteed access to medical care or to sickness or employment injury benefit.⁴⁴⁸ Although income support has been extended to informal workers during the pandemic in a few countries, in most cases this is not available to domestic workers. Loss of income, lack of access to social security and lack of income support has pushed many domestic workers and their families even further into poverty.⁴⁴⁹ Consequently, workers' organizations, including domestic workers' organizations, have joined forces in some countries to provide needed support.

In Brazil, the *National Federation of Domestic Workers (Fenatrad)* and *Themis (Gender, Justice and Human Rights)* have launched a campaign so that domestic workers suspended from work may continue to receive their salaries during the pandemic and be provided with protective equipment, such as masks and hand-sanitizing gel.⁴⁵⁰

The *National Domestic Workers Alliance* (United States) has launched a Coronavirus Care Fund to provide emergency relief for domestic workers facing hardship.⁴⁵¹

268. Domestic workers in formal employment are facing job losses and reduced hours of work. The Committee notes that comprehensive measures have been adopted in a number of countries in response to losses of jobs and incomes, and have extended access to coverage to domestic workers, often for the first time.

Italy – introduced an income replacement scheme through two emergency decrees covering all sectors except for domestic work. The scheme has now been extended to protect and support domestic work, considered as an “essential service”, following pressure from the social partners. As a result, income support initiatives have been extended to cover domestic workers who, if they have one or more contracts totalling more than ten hours of work a week, are entitled to a monthly allowance of €500.

Spain – To cover certain categories of workers excluded from the “social shield” established by Royal Legislative Decrees Nos 8/2020 and 9/2020, two extraordinary subsidies have been introduced by Royal Legislative Decree No. 11/2020: one for domestic workers and another for temporary workers not covered by temporary employment measures (ERTEs). The subsidy for domestic workers is very important, as they do not have access to unemployment benefit. The only domestic workers that can claim the subsidy are those covered by the special social security system for domestic workers (it does not therefore cover those in informal work). It can be claimed by domestic workers who have lost their jobs because of the termination of their contract or whose hours of work have decreased due to the pandemic.⁴⁵²

⁴⁴⁸ ILO, “COVID-19 Crisis and the Informal Economy: Immediate Responses and Policy Challenges”, Brief, May 2020, 2.

⁴⁴⁹ ILO, “Impact of the COVID-19 Crisis”.

⁴⁵⁰ Fenatrad, “*Trabalhadoras domésticas têm o direito de se proteger do coronavírus*”, 16 March 2020.

⁴⁵¹ National Domestic Workers Alliance, “*Coronavirus Care Fund*”.

⁴⁵² Manuel Antonio García-Muñoz Alhambra, “COVID-19 and Labour Law in Spain”, *European Labour Law Journal*, 2020, 11(3), 319–323.

269. Live-in domestic workers who have remained in employment have been impacted in different ways. Increased demand for care work due to lockdowns and school closures have led to longer hours of work and uncompensated overtime.⁴⁵³ In other cases, employers have stopped paying live-in domestic workers due to their own financial constraints caused by the virus. In certain cases, migrant domestic workers have been placed in a catastrophic situation by employers who have turned them out of the household, forcing them to live on the streets in their host country with no income or social protection, and no way of returning to their home countries.⁴⁵⁴

270. Domestic workers who are still employed are also frontline workers, who may be called upon to care for ill members of their employer's household, but who themselves are not provided with PPE.⁴⁵⁵

On 18 May 2020, the *International Domestic Workers Federation (IDWF)* issued a Statement on Protecting Domestic Workers Rights and Fighting the Coronavirus Pandemic. The Statement calls upon governments to take immediate steps to protect the rights of domestic workers, particularly their rights to a safe workplace, to paid sick leave and access to healthcare, including for those who are in quarantine and infected with COVID-19.⁴⁵⁶

(g) Workers in rural areas and subsistence farmers

271. Emergency measures have been taken in a number of countries to address the impact of the pandemic on the agriculture sector by stimulating agriculture production and ensuring income protection. In most cases, these measures include financial support for agricultural businesses.

Myanmar – The Myanmar Agricultural Development Bank (MADB) is providing farmers nationwide with loans of MMK50,000 an acre from a special COVID-19 relief fund of MMK600 billion. The loans have been provided to farmers since 22 June 2020 and are in addition to the monsoon loan of MMK150,000 an acre. Agricultural, rural development and livestock loans are also available at 1 to 1.5 per cent below normal interest rates.⁴⁵⁷

Namibia – The economic stimulus and relief package includes NAD200 million in guarantees for low-interest loans for farmers and agricultural businesses, including cash-flow-constrained farmers and agricultural SMEs experiencing significant lost revenues.⁴⁵⁸

⁴⁵³ United Nations and European Union, "[Protecting the Rights of Domestic Workers in Malaysia during the COVID-19 Pandemic and Beyond](#)", 16 June 2020, Spotlight Initiative, 4.

⁴⁵⁴ Bahar Makooi and Sam Ball, "[Abandoned by Employers, Ethiopian Domestic Workers are Dumped on Lebanon's Streets](#)", France24 (video), 25 June 2020.

⁴⁵⁵ UN and EU, "Protecting the Rights of Domestic Workers in Malaysia", 3.

⁴⁵⁶ IDWF, "[Statement on Protecting Domestic Workers Rights and Fighting the Coronavirus Pandemic](#)", 18 March 2020.

⁴⁵⁷ AgriProFocus Myanmar, [Making Agribusiness Work for Development](#).

⁴⁵⁸ Ministry of Finance, "[Economic Stimulus and Relief Package: Impact of COVID-19 on the Economy and Households](#)", Media statement, 1 April 2020.

272. Short-term protection measures have also been introduced to support agricultural workers.⁴⁵⁹

China – has adopted local policies to support agricultural workers, such as temporary living allowance subsidies of CNY300 for rural workers in Hubei province and a CNY300 cash transfer to retain the migrant population in Wuhan.⁴⁶⁰

273. Some countries are taking special measures to support seasonal agricultural workers in view of the dramatic labour shortages during the harvest period due to the cross-border and domestic restrictions on movement imposed to contain the virus.⁴⁶¹ These restrictions are expected to have a long-term impact on the sector.⁴⁶² In most cases, the measures allow workers with permits of limited duration to remain longer in the host country to work.⁴⁶³ In some countries, the measures are mostly administrative, allowing employers to delay recruitment or offer longer contracts.⁴⁶⁴ In a few countries, categories of migrants who were previously prohibited from working have been allowed to work in agriculture.⁴⁶⁵

Austria – Seasonal workers in the agricultural and forestry sectors have not been subject to entry restrictions and can enter the country on the bus or train, but must self-isolate for 14 days. If they have nowhere to self-isolate, they are provided with a place to stay.⁴⁶⁶

Greece – A fast-track procedure has been adopted allowing employers, under certain conditions, to hire third country nationals in an irregular situation who are already in the country to help address its urgent agricultural labour needs. On 1 May 2020, the entry of seasonal workers was authorized from non-European Union countries, such as *Albania*, without entry visa requirements.⁴⁶⁷

274. The Committee notes that the responses adopted in some countries seek to ensure the application of labour standards in the sector, including the promotion of social dialogue for the development of policy responses to the crisis. This is especially relevant in the case of seasonal agricultural workers, who in many countries are not covered by national labour protection

⁴⁵⁹ ILO, “COVID-19 and the Impact on Agriculture and Food Security”, Sectoral brief, 17 April 2020, 5.

⁴⁶⁰ ILO, “COVID-19 and the Impact on Agriculture and Food Security”, 6.

⁴⁶¹ Travel restrictions have made it difficult for migrant workers from Eastern Europe to access the agricultural sector in *France, Germany, Spain* and the *United Kingdom*. Farmers have warned that, without these workers, they will struggle to harvest spring and summer crops. The potential for labour shortages in the agricultural sector is also apparent in: *Poland*, where Ukrainian migrants have returned home; the *United States*, which relies on seasonal workers, primarily from *Mexico*; and *India*, where the agricultural sector of some states is reliant on migrant workers from elsewhere in the country. See World Bank, “Potential Responses to the COVID-19 Outbreak in Support of Migrant Workers”, 19 June 2020, 3.

⁴⁶² ILO, “COVID-19 and the Impact on Agriculture and Food Security”, 2.

⁴⁶³ For example, seasonal agricultural workers in *Greece* and *Israel*, as well as in *Czechia, Italy, Norway* and the *United States*. See OECD, “Managing International Migration under COVID-19”, updated on 10 June 2020, 4.

⁴⁶⁴ For example, *Belgium* and *Canada*. See OECD, “Managing International Migration under COVID-19”, 4.

⁴⁶⁵ This is the case, for example, in: *Belgium* for asylum-seekers during the first four months of their application process (they may also work in other sectors); in *Ireland* for international students; and in *Spain* for youths aged 18 to 21 without the right to work. In *Austria*, foreign nationals who are already resident in the country, but who do not have the appropriate right to work, are entitled under certain conditions to submit an application for a visa to engage in a seasonal or harvest activity.

⁴⁶⁶ World Bank, “Potential Responses to the COVID-19 Outbreak”, 22.

⁴⁶⁷ World Bank, “Potential Responses to the COVID-19 Outbreak”, 22.

laws, such as those on minimum wages, maximum hours of work, paid sick leave and social security.⁴⁶⁸ The Committee wishes to emphasize the need to take measures to ensure income security for agricultural workers; guarantee their access to social security, including health-care; and ensure their safety and health at work. Measures are also required to strengthen labour inspection and promote social dialogue for the development and implementation of response and recovery measures in the agricultural sector.⁴⁶⁹

(h) Indigenous and tribal peoples

275. The pandemic has exacerbated the existing structural inequalities, pervasive discrimination and inadequate access to health and social protection faced by indigenous communities.⁴⁷⁰ Moreover, a number of specific risk factors make indigenous and tribal communities, especially indigenous women, particularly vulnerable to COVID-19 and its socio-economic consequences.⁴⁷¹

276. Existing economic inequalities are compounded by health and environmental vulnerabilities.⁴⁷² Contributing factors that increase the potential for high mortality rates from COVID-19 in indigenous communities include mal- and under-nutrition, poor access to sanitation, lack of clean water and inadequate medical services.⁴⁷³ Indigenous peoples also often suffer from widespread stigma and discrimination that impedes their access to healthcare.⁴⁷⁴

277. Indigenous and tribal communities already affected by food insecurity are now also faced with the loss of their livelihoods.⁴⁷⁵ Lockdowns and supply chain disruptions have interfered with cultivation and harvesting cycles, resulting in a lack of seeds and equipment. Indigenous and tribal peoples are also particularly vulnerable to environmental degradation and biodiversity loss.⁴⁷⁶

278. Integrated and culturally appropriate responses to the pandemic are urgently required.⁴⁷⁷ Targeted measures to address the rights and needs of indigenous peoples have already been adopted in some countries. Most such measures focus on prevention, including the “community closures” adopted by indigenous peoples themselves in coordination with governments.⁴⁷⁸

⁴⁶⁸ ILO, “COVID-19 and the Impact on Agriculture and Food Security”, 5.

⁴⁶⁹ For further information on the ILO standards and tools that can provide a valuable framework for emergency response measures and the long-term development of the agricultural sector on a sustainable basis, see ILO, “COVID-19 and the Impact on Agriculture and Food Security”, 7.

⁴⁷⁰ Inter-Agency Support Group (IASG) on Indigenous Issues. “[Indigenous Peoples and COVID-19: A Guidance Note for the UN System Prepared by the UN Inter-Agency Support Group on Indigenous Issues](#)”, 23 April 2020, 1.

⁴⁷¹ ILO, “[ILO Standards and COVID-19 \(Coronavirus\): FAQ – Key Provisions of International Labour Standards Relevant to the Evolving COVID-19 Outbreak](#)”, Version 2.1, 29 May 2020, 37.

⁴⁷² ILO, “COVID-19 and the World of Work: A Focus on Indigenous and Tribal Peoples”, 2.

⁴⁷³ For example, according to recent reports, the infection rate among the Navajo Nation of North America is ten times higher than in the general population in Arizona. Similar situations have been reported in *Panama* and *Peru*. Inadequate housing and lack of running water are reported to be contributory factors. See United Nations DESA, “[The Impact of COVID-19 on Indigenous Peoples](#)”, Policy Brief No. 70, 8 May 2020, 1.

⁴⁷⁴ See UNDESA, “The Impact of COVID-19 on Indigenous Peoples”, 8 May 2020, 1. However, data on infection rates among indigenous peoples is not available, as infections are not recorded by ethnicity.

⁴⁷⁵ See UNDESA, “The Impact of COVID-19 on Indigenous Peoples”, 8 May 2020, 1.

⁴⁷⁶ ILO, “COVID-19 and the World of Work: A Focus on Indigenous and Tribal Peoples”, 2.

⁴⁷⁷ ILO, “COVID-19 and the World of Work: A Focus on Indigenous and Tribal Peoples”, 3.

⁴⁷⁸ For example, based on indigenous peoples’ customary norms and traditional methods of decision-making, indigenous communities in *Australia*, *Brazil*, *Canada*, *Colombia*, *Ecuador*, *France-New Caledonia*, *Mexico*, *New Zealand*, *Paraguay* and *Peru* are developing and implementing their own community protocols in response to the pandemic. See OHCHR, “[COVID-19 and Indigenous Peoples’ Rights: What is the Impact of COVID-19 on Indigenous Peoples’ Rights?](#)”, 29 June 2020, 5. See also *Australia*, [Access to remote areas: coronavirus \(COVID\) update](#) and Sunday Morning Herald, “[When it came to COVID-19, Indigenous Australians sent it packing](#)”, November 2020.

279. Some countries have taken measures to ensure the access of indigenous peoples to health services, including for those living in remote areas.

The *Russian Federation* is providing medical services for indigenous nomadic groups in remote and inaccessible areas through the use of telemedical technologies and the development of a monitoring system for the provision of medical assistance to persons in emergency situations.⁴⁷⁹

280. Measures are also being adopted to ensure the access of indigenous persons to social assistance, cash transfers, in-kind benefits and income support during illness and self-isolation.

Chile – The Government is providing economic support to indigenous families in need, including subsidies covering costs of basic services, an emergency family income and a minimum guaranteed income.⁴⁸⁰

281. A number of countries have also allocated funding targeted to indigenous and tribal communities.

Canada – Has earmarked specific medical support and economic stimulus funding for indigenous communities, including transfers to Yukon, Northwest Territories and Nunavut to support the preparation and response of health and social services to the pandemic. The Government has also provided funding for northern air carriers to ensure the continued supply of food and other essential goods and services to remote and fly-in communities. Additional funding has also been provided to Nutrition North Canada to increase subsidies so that families can afford much-needed nutritious food and personal hygiene products. Moreover, Indigenous Services Canada have provided support to the Government of the Northwest Territories and to the Inuvialuit Regional Corporation to help indigenous families.⁴⁸¹

282. In response to the lack of information available in local indigenous languages,⁴⁸² measures have been adopted in some countries to ensure the availability of timely and accurate information on the pandemic in indigenous languages in culturally sensitive formats.⁴⁸³

Chile – Information in indigenous languages (Aymara, Mapudungun and Rapa Nui) on health safety measures is disseminated by radio and through social networks and printed documentation.

⁴⁷⁹ See OHCHR, “COVID-19 and Indigenous Peoples’ Rights”, 29 June 2020, 2.

⁴⁸⁰ See OHCHR, “COVID-19 and Indigenous Peoples’ Rights”, 29 June 2020, 8.

⁴⁸¹ Government of *Canada*, Indigenous Services Canada, “[Update on COVID-19 and Indigenous Communities](#)”, Press release, 7 July 2020.

⁴⁸² International Work Group for Indigenous Affairs (IWGIA), [Indigenous Realities in a COVID-19 World: Around the Globe](#), 16 June 2020.

⁴⁸³ For instance, *Australia, Plurinational State of Bolivia, Brazil, Canada, Chile, Colombia, Denmark, Ecuador, Finland, Guatemala, Mexico, New Zealand, Norway and Peru*. See OHCHR, “COVID-19 and Indigenous Peoples’ Rights”, 5.

France–New Caledonia – Public institutions have launched a communication campaign on the pandemic in Nââ Kwenyii, one of the 28 indigenous languages.⁴⁸⁴

Guatemala – In its supplementary information related to the measures taken in the context of the pandemic, the Government indicates that, since March 2020, the Guatemalan Academy of Mayan Languages has translated 21 presidential provisions into the 22 Mayan languages. For their dissemination, extracts were contextualized and have been converted into radio and audiovisual materials. In addition, nine communication campaigns were carried out in relation to containment and mitigation of COVID-19. The communication campaigns have been broadcasted on 94 radio stations (community radio stations), 37 cable companies and on different platforms and social networks. The Indigenous Peoples' Section of the General Directorate of Social Security of the Ministry of Labour and Social Security has provided special advice within the framework of the Program of Economic Contribution of the Elderly in the context of COVID-19. It has also conducted workshops and provided advice on labour rights and the suspension of contracts under Ministerial Agreement 140-2020, which creates an "Electronic Procedure for Registration, Control and Authorization of Suspensions of Labor Contracts", a measure adopted in the context of the current crisis.

Mexico – The National Indigenous Peoples Institute has disseminated information on COVID-19 in 35 indigenous languages. The National Council for the Prevention of Discrimination (CONAPRED) has also requested the State public broadcasting system and the Network of Educational Radio and Television Broadcasters of Mexico to produce accessible content for indigenous groups to ensure that news coverage of the pandemic is accurate, timely and accessible.⁴⁸⁵

283. Support has also been provided in some countries for small enterprises and cooperatives run by indigenous and tribal peoples, focusing on local and rural communities and on facilitating the transition to formality and access to markets.

Australia – The Indigenous Business Relief Package provides support for all indigenous businesses affected by the pandemic. The relief package has been designed in collaboration with the National Indigenous Australians Agency (NIAA) to respond to the immediate challenges faced by indigenous businesses and includes: access to specialist advice on dealing with the crisis, including a rapid assessment of business positioning and cash flow management and assistance in accessing Federal, State and Territory stimulus measures, such as the Job Keeper Payment. Assistance is also provided to support cash flow and working capital through a loan/grant package of up to AUD100,000.⁴⁸⁶

⁴⁸⁴ OHCHR, "COVID-19 and Indigenous Peoples' Rights", 5.

⁴⁸⁵ OHCHR, "COVID-19 and Indigenous Peoples' Rights", 5.

⁴⁸⁶ Government of Australia, Business, "[Support for Indigenous Businesses to Recover from COVID-19](#)", updated on 8 May 2020.

284. It is important to ensure that measures taken to control the pandemic which may affect indigenous peoples are determined and implemented in consultation and agreement with indigenous leaders and in a culturally appropriate manner.⁴⁸⁷ When considering response measures, emphasis should be given to ensuring that the cultural, spiritual, and religious rights and responsibilities of indigenous peoples are acknowledged and accommodated.⁴⁸⁸ In this respect, Recommendation No. 205 provides that “when taking measures for promoting peace, preventing crises, enabling recovery and building resilience, Members should ... ensure that persons belonging to ... indigenous and tribal peoples are consulted, in particular through their representative institutions, where they exist, and participate directly in the decision-making process, especially if the territories inhabited or used by indigenous and tribal peoples and their environment are affected by a crisis and related recovery and stability measures.”⁴⁸⁹

285. Some countries have taken steps to ensure the active and meaningful participation of indigenous peoples in crisis response.

Australia – has established a National Indigenous Taskforce to develop an emergency response plan to the pandemic for Aboriginal communities. The Government is working in conjunction with Aboriginal and Torres Strait Islander peoples to develop and implement tailored, culturally appropriate evidence-based responses to COVID-19. The Management Plan for Aboriginal and Torres Strait Islander Populations was developed by an advisory group co-chaired by the Department of Health and the National Aboriginal Community Controlled Health Organisation to ensure integration of indigenous perspectives based on the principles of shared decision-making, co-design and a two-way flow of information.⁴⁹⁰

New Zealand – The Ministry of Health has developed a COVID-19 Māori response action plan that takes into consideration indigenous health inequities and identifies specific Māori health action. The action plan emphasizes that “Māori are key decision-makers in the design, delivery, and monitoring of health and disability services and the response to COVID-19”.⁴⁹¹

286. A meaningful response built on enhanced resilience will need to engage with indigenous peoples in their critical role as workers, employers and custodians of the natural resources that are vital for the food security of their societies and countries.⁴⁹² Indigenous peoples have traditional governance institutions and knowledge for the protection of biodiversity, including their own health and food systems, which can make an essential contribution to successful emergency response and recovery.⁴⁹³

⁴⁸⁷ UNDESA, “The Impact of COVID-19 on Indigenous Peoples”, 3.

⁴⁸⁸ United Nations Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), “[COVID-19 yet another Challenge for Indigenous Peoples](#)”, 6 April 2020.

⁴⁸⁹ Para. 15(g).

⁴⁹⁰ OHCHR, “COVID-19 and Indigenous Peoples’ Rights”, 4.

⁴⁹¹ Ministry of Health, “[Updated COVID-19 Māori Health Response Plan](#)”, July 2020.

⁴⁹² ILO, “COVID-19 and the World of Work: A Focus on Indigenous and Tribal Peoples”, 4.

⁴⁹³ Indigenous Peoples and COVID-19: A Guidance Note for the UN System prepared by the UN InterAgency Support Group on Indigenous Issues, 23 April 2020, 1.

Part VII

Social dialogue and COVID-19

► Building a better “inclusive normal” with the participation of all the actors in the world of work

287. The Committee wishes to stress “the importance of developing and implementing responses to the many dimensions of the crisis through broad participatory processes of consultation and social dialogue. In addition to consultations with the most representative employers’ and workers’ organizations, response and recovery measures should be designed taking into account the perspectives of individuals and groups concerned by measures to be taken, as well as those of the relevant civil society organizations”.⁴⁹⁴ Inclusive dialogue processes help to build a climate of trust, ensure that responses meet the needs of all those affected and encourage commitment and ownership among all stakeholders.⁴⁹⁵

Poland – The Government organized a three-day hackathon in April 2020 to collect new ideas for promoting security, business, science, e-commerce, education and leisure during the COVID -19 pandemic.⁴⁹⁶

288. Nevertheless, inequality persists in multiple dimensions within and between countries, leading to inequality in decision-making. There is a substantial risk that the interests of segments of the population – particularly those in disadvantaged situations – that are excluded from meaningful participation in decision-making will not be safeguarded in policy decisions. Moreover, normal consultation and participatory processes may be disrupted or circumvented during lockdown.⁴⁹⁷ A whole-society approach, in which governments act together with the social partners in the world of work, will be critical in managing the impact of COVID-19 and ensuring an inclusive recovery.⁴⁹⁸

Finland – In its report, the Government indicates that the employment policy aims at increasing the labour market participation of people with partial work capacity, those with poor employment prospects, the young and older people and those with an immigrant background. According to the Government programme, the employment rate will be raised to 75 per cent and the number of people in employment will increase by a minimum of 60,000 by the end of 2023. An action programme on the needs for integration of migrants reform will be prepared and submitted to Parliament in the form of a Government report by the end of February 2021.

⁴⁹⁴ Article 3, Convention No. 122; Preamble to Recommendation No. 205.

⁴⁹⁵ United Nations Secretary-General, “We Are All in This Together”.

⁴⁹⁶ Poland In, “[Gov’t Launches Virtual Hackathon to Fight COVID-19](#)”, 1 April 2020.

⁴⁹⁷ United Nations Secretary-General, “We Are All in This Together”.

⁴⁹⁸ ILO, “COVID-19 and the World of Work”, 8.

289. Many governments have launched comprehensive protection measures to counter the socio-economic impact of the COVID-19 pandemic. However, governments cannot overcome the challenges on their own.⁴⁹⁹ It is important for them to coordinate and work together with labour market institutions and the actors in the world of work, and particularly employers' and workers' organizations, to address the pandemic, mitigate the effects of the containment measures adopted and rebuild businesses, economies and societies.⁵⁰⁰ Building trust and confidence through dialogue between organized representatives of employers and workers is crucial to ensure that the policies decided upon are adapted to the needs of all the labour market partners and to reduce conflict.⁵⁰¹ Social dialogue is therefore a cornerstone of the policy framework proposed by the ILO for responding to the COVID-19 crisis.⁵⁰²

290. In view of its widespread effects, and in recognition of the importance of collaboration in addressing them, the social partners in many countries have given joint support for the measures adopted by governments and have put forward their own proposals to address the pandemic.⁵⁰³

The Finnish Confederation of Professionals (STTK), the Confederation of Finnish Industries (EK), the Commission for Local Authority Employers (KT), the Central Organization of Finnish Trade Unions (SAK) and the Confederation of Unions for Professional and Managerial Staff in Finland (AKAVA) made joint proposals in May 2020 for temporary changes to labour law, the calculation of unemployment benefit, e-learning in vocational training and the strengthening of digital skills, among other areas.⁵⁰⁴

The Honduran National Business Council (COHEP) noted that the Economic and Social Council's Decent Employment Sector Roundtable was unable to meet during the first half of 2020 due to the pandemic. COHEP regretted having been convened only once in August 2020 to discuss the National Employment Policy in the context of the pandemic and to examine its impact on employment. At that meeting, COHEP stressed the importance of vocational training and employment generation.

Netherlands – In its report, the Government indicates that, since the beginning of this crisis, the council of ministers has had weekly meetings with employers and workers organizations. The council of ministers has stated that it is of crucial importance that all actors keep working together. Differences in opinion on the design of the measures taken will always be present, but it is important to prioritize reaching general consensus.

⁴⁹⁹ ILO, [The Need for Social Dialogue in Addressing the COVID-19 Crisis](#), Policy Brief, May 2020.

⁵⁰⁰ ILO and IOE, [A Global Survey of Employer and Business Membership Organizations: Inside Impacts and Responses to COVID-19](#), 2020, 25.

⁵⁰¹ ILO, [Employers and Workers Negotiating Measures to Prevent the Spread of COVID-19, Protect Livelihoods and Support Recovery: A Review of Practice](#), ILO Brief, July 2020.

⁵⁰² ILO, "COVID-19 and the World of Work: Global Impact and Policy Recommendations", Policy Brief, [Pillar 4: Relying on Social Dialogue for Solutions](#), updated on 18 May 2020.

⁵⁰³ For example, *Belgium*, "[Coronavirus: le Groupe des 10 estime que les personnes non contaminées doivent pouvoir continuer à travailler](#)", *Belga News (RTBF)*, 17 March 2020; and *France*, "[Coronavirus: Déclaration commune des partenaires sociaux du 19 mars 2020](#)", *Les clés du social*, 21 March 2020.

⁵⁰⁴ EK, "[Social Partners' Proposals to Help Businesses in the Corona Crisis: A Step in the Right Direction, but More Action Needed](#)", 18 March 2020.

Portugal – The Government indicates in its report that, since the beginning of the crisis, tripartite dialogue has proven essential to ensuring shared responsibility for finding solutions and a balanced approach in responding to the different and pressing needs arising from the crisis. This has led to a significant increase in the frequency of tripartite meetings, which culminated with the signing on 12 May 2020 of a Tripartite Declaration of Commitment between the Government and the Permanent Social Dialogue Commission number to join forces in tackling the pandemic.

United Kingdom – In its report, the Government indicates that the Scottish Cabinet Secretary for Economy, Fair Work and Culture and the General Secretary of the Scottish Trade Unions Congress (STUC) issued a joint statement outlining the shared commitment to fair work practices in Scotland. This called on employers, trade unions and workers to work together to reach the right decisions on all workplace issues that arise throughout the COVID-19 outbreak and ensure workers are treated fairly. Updated Statement of Fair Work Practices was published on 19 July 2020, signed jointly by the Scottish Government and the social partners. The statement encourages continued partnership working to ensure the right decisions are reached on workplace matters as the economy re-opens. It demonstrates the shared commitment to putting Fair Work at the heart of Scotland's economic recovery.

291. The Committee also notes that tripartite statements have been issued in various countries highlighting the importance of social dialogue in times of crisis.

Iceland – The Icelandic Government, the SA Confederation of Icelandic Enterprise and the Icelandic Confederation of Labour (ASI) reached a tripartite agreement on 5 March 2020 on action to slow down transmission of the virus by ensuring that individuals can comply with official instructions to isolate without having to worry about their personal finances.⁵⁰⁵

Republic of Korea – In March 2020, the Government and the social partners issued a Tripartite Declaration on overcoming the COVID-19 crisis through measures to preserve employment, protect the workers most exposed to the virus and ease the tax burden on small businesses. The Declaration was supplemented by a Health Care Sector Tripartite Agreement, signed on 19 March 2020, establishing requirements for labour and management designed to promote occupational safety and health (OSH) and patient safety, prevent the propagation of the virus and the exhaustion of medical personnel, improve the working environment in healthcare facilities and preserve employment in the health sector.⁵⁰⁶

⁵⁰⁵ ASI, "[A Three-party Agreement on Action to Counter COVID-19](#)", 5 March 2020.

⁵⁰⁶ ILO, "[COVID-19 and the World of Work: Country Policy Responses](#)", Republic of Korea.

292. Social dialogue has made it possible to reach tripartite consensus on many legislative, regulatory and financial measures to mitigate the economic and social impacts of the pandemic.

Italy – Two tripartite protocols adopted at the national level have been transposed into Presidential Decrees issued on 22 March and 26 April 2020, respectively. Tripartite social dialogue has opened the door for bipartite dialogue at both the sectoral and enterprise levels, resulting in tailored solutions to the crisis in almost all areas (including the banking, chemical and pharmaceutical, construction, energy, food, logistics and transport, manufacturing and retail sectors). At the enterprise level, the tripartite protocols have helped companies and trade unions to agree on measures to protect employees from exposure to the virus, including in companies previously subject to spontaneous strikes.⁵⁰⁷

293. Governments have also played an important role in the provision of space and support for bilateral social dialogue. For example, many governments have facilitated negotiations on short-time working schemes by financing wage subsidies for the workers concerned.⁵⁰⁸ The social partners have addressed a range of topics, including safety and health, the facilitation of telework/work from home, flexible working time arrangements, cost reduction measures, income support for workers and the resumption of economic activity.⁵⁰⁹

Austria – The pandemic broke out in March 2020. The Austrian Federation of Trade Unions (ÖGB), the Austrian Chamber of Labour (AK) and the Austrian Federal Economic Chamber (WKÖ) reached consensus very rapidly on a short-time working model, which was valid for three months, with the option of a further three months. The model secured 1.3 million jobs until the end of May and was extended for a further three months. It has been adapted, to the benefit of the workers concerned. On-call work is prohibited and the model also covers apprentices.⁵¹⁰

In *Germany*, on 20 March 2020, IG Metall (the metalworkers' union) and Gesammetall (the employers' organization in the metalwork sector) concluded a collective agreement on 20 March 2020 which protects employment and incomes, and enables parents to look after their children when day-care centres and schools are closed.⁵¹¹ The agreement includes arrangements for short-time working with 80 per cent of the net remuneration of employees, of which 60 per cent (67 per cent for workers with children) is covered by the public employment scheme of the Federal Employment Agency.

⁵⁰⁷ Italy, Ministry of Health, "[Covid-19: Sicurezza dei lavoratori](#)", 2020 IUF, "[Italia: il pressing sindacale conquista un accordo nazionale tripartito su occupazione, salute e sicurezza](#)", News, 25 March 2020. See also ILO, *Employers and Workers Negotiating Measures*.

⁵⁰⁸ ILO, *Employers and Workers Negotiating Measures*.

⁵⁰⁹ ILO, *Employers and Workers Negotiating Measures*.

⁵¹⁰ ÖGB, "[Kurzarbeit geht in die Verlängerung: Keine Arbeit auf Abruf, mehr Planungssicherheit, Verbesserungen für Lehrlinge](#)", 25 May 2020.

⁵¹¹ IG Metall, "[Collective Bargaining Campaign 2020 in the Metal and Electrical Industries](#)", 26 March 2020.

In *Singapore*, a national tripartite agreement has paved the way for enterprise-level negotiations and consultations on wage adjustments and the avoidance and management of retrenchment. Under the agreement, employers are required to consult the relevant unions on certain subjects and various measures are recommended as alternatives to retrenchment, including training/upskilling and the redeployment of employees within the company. Employers have also undertaken to review any adjustments made and restore employees to the status quo when their businesses recover.⁵¹²

294. Bipartite and tripartite social dialogue help in the design and development of robust policy solutions tailored to the immediate challenges resulting from the pandemic. Such policies may include measures to promote the economic resilience and sustainability of enterprises, limitations on redundancies and income support for workers and their families or rules on telework.

France – On 26th November 2020, the Government and the social partners endorsed a national cross-industry agreement on telework, setting out the terms and conditions for its implementation in companies. It encourages negotiations at branch and company level and provides for a framework on how to negotiate on the subject. The agreement calls for particular vigilance in preserving internal social cohesion and the conditions for maintaining social ties between employees. As part of the negotiations, the parties will have to determine the eligibility of posts for teleworking. The agreement requires the consent of both parties. As soon as an employee informs the employer of his or her wish to switch to telework, the employer may, after examination, accept or refuse the request. The reversibility of the telework agreement, the payment by the employer of the costs of telework, the possibility of setting up telework in the event of exceptional circumstances or force majeure, and the need to adopt a charter or agreement between the employer and the employee in which the “right to disconnect” can be addressed by the parties. In addition, according to the agreement, the employer is responsible for any accidents at work. The agreement also provides for the establishment of a joint monitoring committee for the application of this agreement, made up of representatives of representative employee and employer organizations at national and interprofessional levels.⁵¹³

⁵¹² ILO, *Employers and Workers Negotiating Measures*.

⁵¹³ [Accord national interprofessionnel du 26 novembre 2020 pour une mise en œuvre réussie du télétravail](#). See also comments on the agreement in [« Accord télétravail : que faut-il en retenir ? »](#)

South Africa – The National Economic Development and Labour Council (NEDLAC), with the participation of leaders from organized business, labour, the Government and communities, has acknowledged the unprecedented nature of the COVID-19 crisis and has undertaken to work on: enhancing the public health response, containing the virus, ensuring the security of health supplies, workplace adaptation and support measures for SMEs.⁵¹⁴

295. In many countries, tripartite agreements and government policy measures have been supplemented and reinforced by collective agreements between the social partners from the national to the enterprise levels. Moreover, bipartite and tripartite social dialogue is proving invaluable for the development of longer-term policies and strategies for the post-crisis period with a view to strengthening productivity and economic growth, promoting the transition to formality and ensuring greater social cohesion, resilience and stability.⁵¹⁵

Brazil – In response to the COVID-19 pandemic, trade unions in Mercedes-Benz Brazil have negotiated agreements that set out solutions to protect workers' lives and rights by agreeing to the suspension of employment contracts and the reduction of working time and wages for a specific period, on condition that the employer pays the workers compensation to make up for the loss of income.⁵¹⁶

Colombia – The Association of Banana Producers (AUGURA) and the National Union of Agro-Industry Workers (SINTRAINAGRO) have concluded a Biosecurity Protocol covering 22,000 workers in banana plantations in Urabá. The Protocol contains provisions on occupational safety and health, including the provision of PPE, physical distancing during working hours and transport, handwashing and the cleaning and disinfection of work premises and equipment. Workers who are over 65 and those with pre-existing medical conditions are exempt from working for the duration of the containment measures and will receive the statutory minimum wage, plus an 8 per cent supplement after exhausting their leave days for the current and following leave period. Joint union-management health and safety committees are monitoring the implementation of the Protocol, which has been shown by worksite visits to be applied in the vast majority of plantations. The Protocol has allowed banana production to continue without interruption for national and international markets, while over 900 at-risk workers have been able to stay at home and receive compensation.⁵¹⁷

⁵¹⁴ South Africa, Department of Health, "[National Economic Development and Labour Council on measures to combat Covid-19 Coronavirus](#)", 17 March 2020; and Department of Labour, "[COVID-19 Temporary Employee/Employer Relief Scheme](#)", Notice No. 215 of 2020. Similarly, the Australian Chamber of Commerce and Industry (ACCI), the Australian Industry Group (AIGroup), the Australian Services Union (ASU) and the Australian Council of Trade Unions (ACTU) agreed on a temporary set of measures to provide support to businesses and employees during the pandemic. Moreover, following submissions from the social partners, the Fair Work Commission made determinations modifying 99 awards which cover most workers in *Australia*. The determinations provide employees with two weeks of unpaid pandemic leave and the possibility to take twice their annual leave at half of their normal pay if their employer agrees. In the public sector, following a submission by the Community and Public Sector Union (CPSU), the Australian Public Service Commission extended paid leave to casual staff affected by COVID-19. According to the CPSU, this covers about 9,000 casual workers. See Fair Work Commission, "[Modern Awards Update – AM2020/12: Variation of Awards – Additional Measures during the Covid-19 Pandemic](#)", 9 April 2020.

⁵¹⁵ ILO, "A Policy Framework", 16.

⁵¹⁶ Ivan Martínez-Vargas, "[Mercedes-Benz aprova acordo para suspender contratos de trabalho, mas pagará compensação salarial](#)", *Folha de S. Paulo*, 22 April 2020.

⁵¹⁷ SINTRAINAGRO, "[Protocolo de Bioseguridad para Trabajadores Bananeros](#)", 25 March 2020.

Sweden – In its report, the Government indicates that to respond to the impact of the pandemic, the Government has set up a reference group to discuss the labour market situation. Furthermore, the implementation of short-time work allowance is done through collective agreements. Trade unions and employers have signed agreements covering 85 per cent of employees in the private sector who are covered by collective agreements.

Tunisia – The social partners negotiated an agreement with the Ministry of Labour to support companies, secure incomes and protect employment across the private sector. Following this agreement, the salaries of about 1.5 million workers were paid during COVID-19-related closures in April 2020. The government paid an exceptional grant of DT200 (about US\$70) per worker while employers paid the remaining salary. In order to benefit from this assistance, companies had to be affiliated to the National Social Security Fund and they were given up to 30 days to declare their employees, without incurring penalties. This scheme is expected to have had a positive impact on formalization in the country.⁵¹⁸

296. The Committee nevertheless notes that the pandemic and the related containment measures have had the effect of impeding social dialogue. It observes that in many cases, governments took measures unilaterally without previously consulting with the social partners or those groups and sectors of civil society affected by the measures taken.⁵¹⁹ Furthermore collective bargaining was substantially affected in some countries and, as a result, fewer collective agreements have been concluded during this period in certain countries.⁵²⁰

The CTA from Argentina highlights that, during the first weeks of confinement, there was no collective bargaining nor were there any agreements. However, by May 2020 some agreements had been reached in the construction, banking, chemicals, food, health and paper sectors, among others. These agreements enabled the social partners to stop or mitigate loss of incomes.

⁵¹⁸ ILO, the [Role of social dialogue and the social partners in addressing the consequences of COVID-19 in the informal economy](#), October 2020, 4.

⁵¹⁹ See for example, COVID-19 Watch, ETUC, Briefing Note, Social Dialogue, 8 May 2020. [Covid-19: Social Dialogue developments](#).

⁵²⁰ For example, *Spain*, Manuel V. Gómez, “[La negociación de los convenios colectivos se desploma por el coronavirus](#)”, *El País*, 13 August 2020. See also the difficulties in the banking sector in *France*: Michel Pourcelot, “[Banques: la crise sanitaire exacerbe le manque de dialogue social](#)”, *Force Ouvrière*, 14 May 2020.

297. During the crisis, employers' and workers' organizations have provided direct services to their members. These services have contributed to curtailing the spread of the virus, promoting good communication in the workplace and ensuring that businesses can continue to operate as efficiently as possible in the circumstances.⁵²¹ At the same time, employers' and workers' organizations have had to adjust their own modes of operation as a result of the crisis, with many organizations offering virtual advisory services.⁵²²

The IOE and its global network of employers' organizations have taken a series of measures to respond to the COVID-19 pandemic. In particular, the IOE has organized 36 digital conferences, many in collaboration with the ILO.⁵²³ It has carried out a global survey of employer and business membership organizations (EBMOs), in collaboration with the ILO Bureau of Employers' Activities, to assess the most pressing needs of these organizations and develop targeted response and recovery strategies. The IOE has also produced policy and guidance papers with the aim of providing essential guidance for businesses of all sizes, sectors and industries, to help them navigate through the initial and later phases of the pandemic, taking into account applicable international labour standards. The Committee welcomes these significant efforts, noting that the guidance provided addresses topics directly related to response and recovery, including economic advocacy for micro, small and medium-sized enterprises to help them tackle the pandemic, how to ensure a safe return to work, guidance on teleworking in times of COVID-19 and an IOE paper on diverse labour measures implemented by employers in response to the pandemic, highlighting good practice examples.

298. The Committee welcomes these significant efforts, noting that the guidance provided addresses topics directly related to response and recovery, including economic advocacy for micro, small and medium-sized enterprises to help them tackle the pandemic, how to ensure a safe return to work, guidance on teleworking in times of COVID-19 and an IOE paper on diverse labour measures implemented by employers in response to the pandemic, highlighting good practice examples.

299. In order to ensure that the socio-economic policies adopted address, as a matter of priority, the needs of the most disadvantaged workers, as well as the needs of enterprises, it is vital to ensure that social dialogue is inclusive.

⁵²¹ ILO, *Employers and Workers Negotiating Measures*.

⁵²² ILO, *Employers and Workers Negotiating Measures*.

⁵²³ See, for example, ILO and IOE, [A Global Survey of Employer and Business Membership Organizations: Inside Impact and Responses to COVID-19](#); and IOE, [Economic Advocacy for SMEs to Tackle the Covid-19 Crisis](#), July 2020.

In May 2020, the Disability Committee of the Irish Congress of Trade Unions (ICTU) signed a joint statement issued by a number of civil society and human rights groups calling on all State actors to adhere to their obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The statement also notes that, while the pandemic is having an impact on all members of society, the United Nations Special Rapporteur on the rights of persons with disabilities has emphasized that persons with disabilities are particularly vulnerable during the crisis. The Disability Committee observes that, with an overall unemployment rate of 28.2 per cent in *Ireland*, the challenges facing people with disabilities in gaining decent work will be exacerbated greatly in future. It therefore calls for people with disabilities not to be left behind when economic recovery begins, highlighting that measures to facilitate flexible work, including work from home, which encompasses telework, could foster greater participation in the labour force by people with disabilities.⁵²⁴

Senegal – The High Council for Social Dialogue (HCDS) has addressed the consequences of the pandemic for workers and enterprises in the informal economy. The HCDS includes representatives of the informal economy in the National Union of Traders and Industrialists of Senegal alongside several other trade unions and business organizations. It has consistently drawn attention at the highest levels to the critical situation of those in the informal economy. The Council has been actively involved in the steering committee for an ILO rapid assessment on the impact of the COVID-19 crisis on the informal economy, contributing to the selection of sectors, providing contacts and reviewing the draft report. Through building a tripartite consensus, it plans to advocate for the incorporation of the study's findings and recommendations where possible in the national COVID-19 recovery plan.⁵²⁵

⁵²⁴ ICTU, "[ICTU Disability Committee Stresses Importance of Including People with Disabilities in COVID-19 Response](#)", 11 May 2020.

⁵²⁵ ILO, the [Role of social dialogue and the social partners in addressing the consequences of COVID-19 in the informal economy](#), October 2020, 4.

Conclusions

300. In setting out these conclusions, the Committee wishes to emphasize, as it did in its introduction, that the COVID-19 pandemic and its impacts are still rapidly evolving. Accordingly, these reflections can only represent a snapshot of a global crisis that may yet bring unexpected challenges and, it is to be hoped, unprecedented and innovative solutions. Regardless of the twists and turns that the pandemic may take in the coming months and possibly years, the Committee urges the tripartite partners to ensure that all response, recovery and monitoring measures developed and implemented are inclusive and guarantee respect for human rights and the rule of law, including respect for fundamental principles and rights at work and for international labour standards⁵²⁶

Part I

- ▶ The COVID-19 pandemic has required the urgent development of policy responses at all levels – global, regional, national and local – to address the short- and longer-term impacts of the pandemic on the world of work and to bolster economies and societies. The need for effective crisis response and recovery policies offers an opportunity for countries to ensure greater inclusivity and resilience through the promotion of employment and decent work. To this end, the Committee notes that rapid assessments have been carried out in many countries in collaboration with the ILO, to ensure that policy responses are evidence-informed and adapted to the specific economic sectors, populations and concerns they are meant to address.
- ▶ The development and implementation of a new generation of gender-responsive, inclusive and evidence-informed employment policies and programmes that take into account the principles of the instruments examined in the 2020 General Survey can help to ensure a sustainable job-rich recovery from the crisis. Creating or restoring an enabling environment for sustainable enterprises, in particular for small and medium-sized enterprises, is crucial to stimulate employment generation, economic recovery and development.⁵²⁷ Furthermore, measures should be taken to assist sustainable enterprises, particularly small and medium-sized enterprises, to undertake business continuity planning to recover from the crisis by means of training, advice and material support, and facilitate access to finance.⁵²⁸
- ▶ Policy responses should also draw on the technological innovations that have already led to rapid transformations in the structure and organization of work. These have already offered at least temporary solutions, in the form of telework arrangements, automation and digital platform work, as well as increased reliance on online training and education channels to enable students to continue their education and apprentices to complete their vocational training. The crisis presents an opportunity to invest in effective innovative technologies that can contribute to job-rich growth. At the same time, measures must be taken to bridge the digital divide that may impede optimal use of these opportunities, while also promoting decent work.

⁵²⁶ Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), Preamble. The pandemic also has an impact on the application of instruments related to social policy, such as the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82) and the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), which call on Members to ensure that all policies are primarily directed to the well-being and development of the population and to the promotion of its desire for social progress.

⁵²⁷ Recommendation No. 205, Preamble.

⁵²⁸ Recommendation No. 205, Para. 25(a).

Part II

- ▶ The Committee notes that, while increased reliance on new and emerging forms of work during the pandemic has provided greater flexibility and adaptability for both employers and workers, it has also highlighted the urgent need to develop clear criteria for determining the existence of an employment relationship. As it is primarily the employment relationship that gives rise to employment-related protections and benefits, including unemployment insurance, health care and social security – the very protections needed most during the crisis – the Committee urges countries to develop clear criteria in this regard, taking account of the guidance provided by the Employment Relationship Recommendation, 2006 (No. 198).
- ▶ Recognizing that exceptional circumstances – such as force majeure – may require exceptional measures, the Committee nevertheless emphasizes the value of engaging in participatory social dialogue processes to attempt to reach consensus-based solutions that enable the parties to strike an equitable balance between supporting the needs of enterprises to mitigate the impacts of the pandemic on their operations and the needs and concerns of workers to prevent loss of jobs and livelihoods wherever possible.

Part III

- ▶ Informal economy businesses and workers have been severely affected by the crisis, both in terms of lost income and lack of access to social protection. Groups in vulnerable situations who already face challenges in entering the labour market are concentrated in informal employment and have been made even more vulnerable by the pandemic. Being unregistered and unrecognized, informal economy actors are also often difficult to reach with relief measures. This poses an increased risk not only to their well-being, but also to the public health. Many workers in the informal economy, such as food vendors and waste pickers, were considered to provide essential services and continued their activities, despite not having access to prevention information and health care. These are, in essence, frontline workers who are exposed to risks of transmission and pose the risk of transmission to others.
- ▶ Recalling the axiom that “a chain is only as strong as its weakest link”, the Committee urges the tripartite partners to take steps to extend social protection coverage, including immediate and longer-term measures to workers in the informal economy and homeworkers, who are largely invisible and thus lack access to basic protections.
- ▶ Longer-term large-scale public investment is needed to boost decent employment and encourage private investment. Governments can stimulate economic growth and increase employment through such measures as: employment-intensive public investment programmes; government procurement that offers opportunities that prioritise small businesses; and tax incentives to stimulate local sourcing by larger enterprises. Investments in upgrading physical and social infrastructure and securing adequate public transit facilities can improve workers’ access to jobs and enterprises’ access to supplies, and offer new market opportunities, including opportunities to mitigate and adapt to climate change. The impact of the pandemic is likely to be uneven, adding significantly to existing vulnerabilities and inequalities. Therefore, Governments need to ensure that its longer term large scale public investment is targeted in ways that support groups of workers, such as women, young people and those in the informal economy, who have been most impacted by the pandemic. The Committee notes that, in the recovery phase, greater attention should to be paid to developing or adapting inclusive employment policies that support informal economy enterprises and workers, and to developing strong labour market institutions that will facilitate the transition from the informal to the formal economy.

Part IV

- ▶ The COVID-19 pandemic has shown the devastating impacts on homeworkers of their dependence, frequently on one main employer, and particularly where they and their communities form the last link in a global supply chain. They may be the last link in the chain, but are the first to be cut loose, with no income support and no social protection benefits. The Committee considers that governments should take steps to ensure an inclusive response and recovery by extending adequate and effective coverage to homeworkers, including homeworkers across sectors, digital platform workers and teleworkers, enabling them to benefit from income support such as cash transfers, unemployment insurance, social security and health benefits, including maternity protection. This could be done by extending coverage under existing national schemes, or by developing and implementing targeted schemes or funds for homeworkers.
- ▶ The Committee notes that, given that the vast majority of homeworkers across the world are women, Governments should address the needs and concerns of homeworkers through inclusive gender-responsive employment policies and programmes that take the particular characteristics of home work into account.
- ▶ The Committee has referred to the increased recourse to telework in response to the pandemic. It recalls that, while telework is distinguishable from traditional homework, telework is nevertheless also a working modality covered by the Convention where it is performed on a permanent rather than on an occasional basis. While telework is not a new form of work, the Committee considers that the rights and protections provided by the Convention may not adequately address the many dimensions and challenges posed by telework as recourse to this modality increases exponentially. In this respect, the Committee notes that a number of countries have revised or are contemplating revising their national laws and policies to address telework, recognising the importance of taking into account the current situation. The Committee considers that to ensure that telework as a work modality meets the needs of both enterprises and workers while at the same time providing adequate protections and safeguards, the ILO constituents may wish to engage in further reflection to consider how best to address issues related to telework, such as working time and the right to disconnect, the allocation of rights and responsibilities with respect to costs of teleworking, occupational safety and health requirements and privacy rights, among others.

Part V

- ▶ As the Committee observed in its 2020 General Survey,⁵²⁹ even prior to the outbreak of COVID-19, persons with disabilities faced persistent discrimination and exclusion from employment and decent work. These inequalities have only been exacerbated by the pandemic. Therefore, efforts to “build back better” from the crisis must be inclusive of persons with disabilities at all stages of response and recovery. As noted in the United Nations Disability Inclusion Strategy, it is critical to include persons with disabilities – particularly women and young persons with disabilities – in stimulus packages, including those that provide training and jobs in the transition to a green economy.⁵³⁰ Multi-phase and multi-sectoral dialogue and collaboration will be critical to ensure an inclusive longer-term recovery that leaves no one behind.⁵³¹

⁵²⁹ 2020 General Survey, Chapter V.

⁵³⁰ [UN, Policy Brief: A Disability – Inclusive Response to COVID-19](#), May 2020, p. 17

⁵³¹ *Policy Brief: Response to COVID-19*, 17.

- ▶ The Committee emphasizes that response and recovery measures should be designed and implemented taking into account the perspectives of all parties concerned. Recalling that disabilities take many forms and are unique to each individual,⁵³² the Committee observes that measures taken should be responsive to the needs and concerns of all categories of women and men with disabilities. It is important to address the significant mental health impacts of COVID-19, both on persons with pre-existing mental health conditions as well as on those who have developed mental health issues due to the impacts of the pandemic.⁵³³ Measures should not only be gender-responsive, but should also take into account the heightened impact of intersectional and multiple grounds of discrimination on persons with disabilities.

Part VI

- ▶ To build a better future that leaves no one behind, it is imperative to squarely address stigma, discrimination and inequalities in crisis response and recovery measures. As the ILO constituents affirmed in adopting the ILO Centenary Declaration for the Future of Work, “persistent inequalities have profound impacts on the nature and future of work, and on the place and dignity of people in it”. The world of work we want and need is an inclusive one, where all members of society are able to contribute to ensure the realization of the right to full, productive and freely chosen employment and decent work.
- ▶ The Committee emphasizes that, in developing and implementing crisis response and recovery measures in the short and longer term, it is crucial to take action against stigma and discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, disability, age, sexual orientation, or any other grounds.⁵³⁴ The Committee highlights the importance of policies that ensure equality of opportunity and treatment for all and welcomes the specific measures adopted in a number of countries to address the rising tide of stigma, discrimination, harassment and violence against specific groups.
- ▶ COVID-19 has exposed and exacerbated existing inequalities. Entire regions that were making progress on narrowing inequality have been set back years, in a matter of months.⁵³⁵ Particular groups already facing discrimination and exclusion are being disproportionately affected and they risk being left even further behind when the economy starts recovering. To face these challenges, the Committee highlights that both integrated and targeted measures are key in the COVID-19 response and recovery measures. This twin-track approach involves targeted measures for groups in situations of vulnerability, as well as ensuring the inclusion of these groups in mainstream responses to the crisis, including access to financial support, care, benefits and services. The Committee emphasises that these measures need to be designed and implemented with the involvement of the social partners but also of the concerned groups. A whole-society approach will be critical in ensuring an inclusive recovery.

⁵³² 2020 General Survey, Chapter V.

⁵³³ [UN, Policy Brief: COVID-19 and the Need for Action on Mental Health](#), 13 May 2020.

⁵³⁴ Recommendation No. 205, Para. 7(f).

⁵³⁵ See [Tackling Inequality: A new Social Contract for a new era, UN Secretary-General](#).

Part VII

- ▶ The Committee wishes to stress the critical importance of social dialogue in all aspects of the development, implementation, monitoring and review of policy responses to the pandemic, to ensure that both short and longer-term response and recovery strategies are inclusive, aligned with international labour standards and tailored to national circumstances.⁵³⁶ The active engagement and meaningful participation in decision-making of the social partners as well as dialogue with individuals and groups concerned by measures to be taken, and with civil society organizations where appropriate, can help to build a climate of trust and ensure the development, adoption, implementation and review of measures that are both evidence- and consensus-based and promote increased ownership among the tripartite partners.
- ▶ The Committee notes that, where they are actively engaged in social dialogue processes, the social partners' in-depth knowledge of the needs and realities of both businesses and workers can contribute to the development and adoption of effective preventive measures to limit the spread of COVID-19 in workplaces, as well as to tailored response and recovery measures that support formal and informal enterprises and workers across all economic sectors.⁵³⁷
- ▶ The COVID-19 crisis presents both enormous challenges as well as valuable opportunities to shape a fairer, more inclusive and secure future of work. Sustainable longer-term responses should aim to reduce inequality in all its forms, promoting inclusive employment and decent work as the foundation for societies, economies and institutions that are more prepared for and resilient to future crises.
- ▶ The 2030 Agenda for Sustainable Development and the 2019 ILO Centenary Declaration provide a road map for the development and implementation of effective and inclusive policy responses, calling for a human-centred approach to the future of work that puts workers' rights and the needs, aspirations and rights of all people at the heart of economic, social and environmental policies".⁵³⁸ Policy responses should promote not only job-rich growth, but also improved well-being, including universal health coverage, equal access to education and training, and social protection for all.

⁵³⁶ Recommendation No. 205, Preamble.

⁵³⁷ [ILO, The Need for Social Dialogue in Addressing the COVID-19 Crisis, Policy Brief, 2020.](#)

⁵³⁸ ILO, *Centenary Declaration for the Future of Work*, Part I(D).

► Appendix 1. Governments that provided reports or supplementary information

- Angola
- Austria
- Brazil
- Canada
- Czechia
- Denmark
- Finland
- Germany
- Greece
- Guatemala
- Ireland
- Israel
- Italy
- Myanmar
- Netherlands
- Peru
- Portugal
- Republic of Korea
- Republic of Moldova
- Slovenia
- Spain
- Sweden
- Trinidad and Tobago
- Uruguay
- United Kingdom of Great Britain and Northern Ireland

► Appendix 2. Workers' and employers' organizations that provided reports or supplementary information

Workers' organizations

Argentina

- Confederation of Workers of Argentina (CTA Autonomous)
- General Confederation of Labour of the Argentine Republic (CGT RA)

Colombia

- Confederation of Workers of Colombia (CTC)
- Single Confederation of Workers of Colombia (CUT)

Netherlands

- National Federation of Christian Trade Unions (CNV)
- Netherlands Trade Union Confederation (FNV)

Republic of Korea

- Federation of Korean Trade Unions (FKTU)

Employers' organizations

Brazil

- National Confederation of Industry (CNI)

Germany

- Confederation of German Employers' Associations (BDA)

Honduras

- Honduran National Business Council (COHEP)

New Zealand

- Business New Zealand

Republic of Korea

- Korea Employers' Federation (KEF)